

RECEIVED

2007 FEB 26 A 11:08

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

IN THE DISTRICT COURT OF THE
UNITED STATES FOR THE MIDDLE
DISTRICT OF ALABAMA.
NORTHERN DIVISION

UNITED STATES OF AMERICA]
Respondent,]

VS]

FRANK JAMES EDWARDS]
Movant.]

Case # 2:04 CR08-F.

207-CV-171-MEF

Motion for Judicial Notice
Rule 201 Of The Federal Rules
of Criminal Procedures,
Under Title 18 U.S.C. §3553 (a)(1)(2)(A)
Extraordinary and Compelling Reasons
For Sentence Reduction.

Comes Now, FRANK JAMES EDWARDS Movant in the instant case, who moves this Honorable Court to take judicial notice under Rule 201 of the Federal Rules of Criminal Procedures. Under Title 18 U.S.C. §3553 (a)(1)(2)(A) for a sentence reduction under extraordinary and compelling doctrine of 18 U.S.C. 3553(a)(1)(2)(A)

1 Whether US Attorney charged an offense in movants indictment for the violation of laws of the United States and Whether US Attorney proved territorial jurisdiction in movant plea agreement.
2 Whether movant sentence was imposed in violation of movant's due process Right's.

Statement of Case.

On January 21, 2004 in a six(6) Count indictment for the violation of 18 U.S.C. 21 13(a).(d); 18 U.S.C. 924(c)(1); 18 U.S.C. 922 (g)

(1). SEE Exhibit (A) copy of the indictment.

On May 24, 2004, Movant signed a guilty plea with the United states of America through the Assistant United States Attorney Tommie Brown Hardwick, Christine A Freeman and Leslie S. Smith who was the movant's Attorney in the instant case at bar. A plea agreement pursuant to the provision's of Rule 11 (c)(1)(c) of the Federal Rules of Criminal Procedures.

On May 24, 2004 An agreement was reached by said parties, on count 1, 2, 4, and 5, of the indictment See Exhibit (B) copy of the plea agreement. Movant agreed to the following;

- (a) To plead Guilty to count 1, 2, 4, and 5 of the indictment
- (b) That the recommendation in paragraph 2, of the plea agreement of a sentence of (23) years, after the calculation by the United States probation officer and determination by the court, Is an appropriate sentence as to the Bank Robberies as charged in Count 1 and 4, of the indictment and Brandishing of a firearm during and relation to the commission of a crime of violence as charged in Count 2, and 5, of the indictment. Movant also waved his appeal and collateral Right s under 18 U.S.C. §3742 and to any post conviction proceedings except for the issues of Ineffective Assistance of Counsel and prosecutorial misconduct.

Judicial Notice Under 201 of
the Federal Rules of Criminal Procedures.

Movant does request that in support of this motion for judicial notice under Rule 201, of the Federal Rules of criminal procedures, this Honorable Court view this Pro-Se petition and the following ISSUES to lesser stringent standard than lawful papers drafted by an attorney. See Haines V. Kerner, 404 U.S.C. 519 (1970).

NOW Comes Movant asserting that, "There is no presumption in favor of jurisdiction, and the basis for jurisdiction must be

affirmatively shown. Jones V. United States, 137 US 202 11 S.Ct. 80 (1890). Hanford V. 163 US 273, 16 S.Ct 1051 (1896). In FW/PBS, Inc.V. Dallas 493 US 215, 107 LEd 2d 603 (1990) the Court quoted the following: The Federal Courts are under an independent obligation to examine their own jurisdiction, and standing is perhaps the most important of [the jurisdictional] doctrines. 'Allen V. Wright 468 US 737, 750, 82 LEd 2d 556 (1984) [E]very Federal appellate court has a special obligation to "satisfy itself not only of its own jurisdiction, but also that of the lower court in a cause under review, "even though the parties are prepared to concede it. "And if the record discloses that the lower court was without jurisdiction this court will notice the defect although the parties make no contention concerning it." Bender V. William-Sport Area School Dist. 475 US 534, 541, 89 LEd 501 (1986) 107 LEd 2d at 621-22. In Sweeton V. Brown, 27 F.3d 1162 (6th Cir 1994) the Court quoted: "Lack of jurisdiction Cannot be waived and jurisdiction" cannot be conferred upon a Federal Court by consent, inaction or stipulation... A Court Lacking jurisdiction cannot render judgement but must dismiss the cause at any stage of the proceedings in which it becomes apparent that jurisdiction is lacking." Id. at 1169

The Law is well established regarding judicial jurisdiction as follows:

"There is no presumption in favor of jurisdiction and the basis for jurisdiction must be affirmatively shown."

Handford V. Davis 163 US 273. 16 S.Ct 1051. 41 LEd 157 (1896) lack of jurisdiction cannot be waived.

Glidden V. Zdanok 370 US 530, 535-37 (1962), May be asserted at anytime, and will be considered on appeal regardless whether the issue was raised in the trial court, United States V. Nukida, 8 F.3d 665, 668-69 (8th Cir 1883) jurisdictional Claims "are exception to the rule that a guilty plea waives all claims of constitutional

violation, United States V. Caperell, 938 F 2d 975, 977 (9th Cir 1981) United States V. Robertson, 698 F 2d 703, 704 N.1(5th Cir. 1983) as the issue of whether the Government had power to bring the charge still remaines. United States V. Cortez, 973 F2d 764 766-67 (8th Cir. 1992) where a federal court is without jurisdiction of the offense, judgment of conviction of the court and /or the jury is Void Ab Initio on its face, Bauman V. United States, 156 F 2d 534 (C.C.P. La. 1946) and where the subject of jurisdiction in the court over the person, subject matter, or the place where the crime was committed can be raised in any stage of the criminal proceedings. Including Execution of Sentence, it is never presumed, but must alway's be proved, and it is never waived by the accused. United States V. Rogers, 23 F 658 (D.C. Ark. 1885) The reason that jurisdiction of the Federal Courts must be proven when challenged is that Constitutional authority is merely the first hurdle that must be over come in determining that a Federal Court has jurisdiction over a particular controversy, because the jurisdiction of a Federal Court is limited not only by the Constitution, but also by Acts of congress, Owen Equip and Erection V. Kroger 437 US 365 57 Led 2d 274, 281-83 (1978) Article 1 §8 cl. 9 for legislature courts III, §1 for judicial power courts: and Article IV, §3, cl.2 for territorial courts and some courts created by acts of congress; O'Donoghue V. United States 289 US 516, 77 Led 1356 (1933) Mookini V United States 303 US 201, 82 Led 748 (1938) United Stats V. Sanders 641 F2d 659, 663-64 (9th Cir 1981) Cert. Denied. 452 US 918, 69 Led 422 (1982); Palmore V. United States, 411 US 389, 390-410, 36 Led 2d 342 (1973). The United States District Courts (U.S.D.C.) are not courts of general jurisdiction, and have no jurisdiction except as

prescribed by congress pursuant to Article III as held in Graves V. Snead 541 F2d 159, 161 (1976) Cert. den. 429 US 1093 (1976) the court of appropriate jurisdiction for violation of the provisions of Title 18 U.S.C. (Criminal Code). Is designated at title 18 U.S.C. §3231, which states; the district court of the United States shall have original jurisdiction exclusive of the courts of the states, and all offenses against the laws of the United States.[Emphasis added].

Also see: Glidden V. Zdanok 370 US 530, 8 Led 2d 671, 683-88(1962) Hubbard V. Ammerman, 465 F2d 1169, 1176 (1972) International Longshoremen and Warehouseman Co 432 US 237, 96 Led 275 (1952). International Longshoremen's and Ware Housemen's Union V. Wurtz, 170 F2d 183, Cer, denied, 336 US 919,93 Led 1082 Rehearing Den 336 US 971, 93 Led 1121. this issue is not a new issue, being well settled long ago. As in American Insurance Company V. 356 Bales of Cotton 1 Peter 511, 7 Led 242 (1828) the U.S. Supreme Court has held, in Glidden V. Zdanok 370 US 530, 8 Led 2d 671-683-88(1962) "It is as much the duty of Government to render prompt justice against Itself, in favor of citizens, as it is to administer the same between private individuals.", Glidden, Supra,. At 168[Emphasis Added] U.S. Supreme Court justice Marshall well stated in McCleskey V. Zant, 499 US 467, 111 S.ct. 1454 113 Led 2d 517, at 567-68 (1991) "Obviously, respect for the Rule of Law must start with those who are responsible for pronouncing the law. [Emphasis in Original] the majority's invocation of "the" orderly administration of justice."Rings hollow when the majority itself tosses aside established precedents... disregards the will of congress, fashions rules that defy the reasonable expectations of the persons who must conform their conduct to the law's dictates, and applies those rules in a way that rewards-state

misconduct and deceit. Whatever abuse of the writ' today's decision is designed to avert pales in comparison with the majority's own abuse of the norms that inform the proper judicial function, Courts are sworn to abide by the dictates of existing law and may not deliberately by pass explicit congressional intent,

Landano V. Rafferty, 670 F. Supp 570, 583 (1987) and U.S. Constitution, Article VI, Clause 2. It was held in North Laramie Land Co, V. Hoffman et el, 268 UA 276, 283 69 Led (1925) all person are charged with knowledge of the provisions of statutes and must take note of the procedure adopted by them and when that procedure is not unreasonable or arbitrary there is no constitutional limitations relieving them from conforming to it. "state" citizens have the right to expect prosecutors and other Federal agents to know that their conduct in such cases violates statutory intent and constitutional rights as they are acting in clear absence of jurisdiction.

Harlow v. Fitzgerald, 457 US 800, 819, 73 Led 2d 396 (1982) Scheuer v. Rhodes 416 US 232: Wood V Strickland, 420 US 308, 322 (1975)

Butz V. Economou, 438 US 478 (1978) sole function of the court is to enforce the law according to statute, Caminetti V. U.S. 242 US 470, 485 (1917). A defendant cannot be prosecuted absent statutory authority to authorize the prosecution. Krulewitch V. United States, 69 S.Ct. 716, N22 (1949), If judicial construction of a statute is unexpected, due process is violated, Helton V. Fauver, 930 F2d 1040, 1044-45 (1991). It is the duty of the Federal Court to protect rights secured by the constitution; in, Jennison V. Goldsmith, 940 F2d 1308 (9th Cir. 1991). Federal Courts cannot countenance deliberate violations of basic constitutional Rights to do so would violate the judicial oath to uphold the constitution of the United

States. Adanson V. C.I.R. 745 F2d 541. 546 (9th Cir 1984) Justice Branders, pointed the well trod path his Honorable predecessors had lighted long ago, in his opinion in Olmsted V. United States, 277 US 433, 405, 48 S.ct. 575 (1928) As follows: Decency, Security, and liberty alike demand that Government official shall be subjected to the Rules of conduct that are commands to the citizen. In a government of Laws Existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher, for good or for ill. It teaches the whole people by its example. [Crime is Contagious]. If the government becomes a law breaker, it breeds contempt for the law it invites every man to become a law unto himself; it invites anarchy to declare that in the administration of the criminal law the end justifies the means- to declare that the government may committ crimes in order to secure the conviction of a private criminal-would bring terrible retribution. Against that permicious doctrine this court should resolutely set its face (emphasis added). The Federal Judiciary has many examples of jurist holding a Constitutional view toward "the people's Rights, as in Rachin V. California, 342 US 165 72 S.ct 205 (1952) "There is no justification for the knowing and deliberate violation of the rights of individuals.

ISSUE 1.

(A) Whether US Attorney charged an offense in movants indictment for the violation of laws of the United States, (B) And Whether the US, Attorney proved territorial jurisdiction and affirmatively asserted said territorial jurisdiction in movants plea agreement.

ISSUE 1(a)

Movant asserts that there must be Proof Requirement in every Federal Criminal Prosecution within any State concerning Jurisdiction.

#1 Did the United States ever obtain jurisdiction over the area upon which defendant committed purportedly prohibited activities ?

If So, when, and to what extent ?

- #2 Did the Federal Government ever purchase said location from the state? If so, when, and for what purpose?
- #3 If the "United States" did purchase said site, is the site presently being used for the purpose for which it was purchased?
- #4 Did the "State of Alabama" "Cede jurisdiction to the "United States", was such jurisdiction actually accepted by the "United States", and if so, when, and to what extent?
- #5 If the "State of Alabama" did cede legislative jurisdiction to the "United States", was such jurisdiction actually accepted by the "United States", "and if so, when, and to what extent ?
- #6 Which Government authority made the purported arrest of the defendant in the action at bar?

Movant is asserting that the entire network of government agencies charged with law enforcement, prosecution, trial, and the punishment and supervision of those arrested and/or convicted of having violated the criminal law. "The interest of the United States in a criminal prosecution is not that it shall win the case, but that justice will be done." Jencks V. U.S. 353 US 657, 1 L.Ed. 2d 1103.77 Sct 1007 (1957). "[And the function of the prosecutor under the Federal Constitution is not to tack as many skins of victims as possible to the wall. His function is to vindicate the right of people as expressed in the laws and give those accused of a crime a fair trial." Donnelly V. Dechristofona, 416 US 637 648-49, 40 Led. 2d 431, 440, 94 Sct 1868 (1974).] In the instant case at bar, the US attorney did not charge an offense against the United States. In the movants indictment, the indictment charged:

That on or about January 12, 2004, in Montgomery County, within the middle district of Alabama, Movants indictment charges an offense against the state of Alabama, and not the United States. Movants indictment failed to charge an offense against the United States. In the leading cases concerning the sufficiency of indictment is Russell

V. United States, 369 U.S. 749 82 S.Ct 1038. 8 L.Ed. 2d 240 (1962). In which the court declared: In a number of cases the court has emphasized two of the protections which an indictment is intended to guarantee, reflected by two of the criterial by which the sufficiency of an indictment is to be measured . These criterions are, first whether the indictment "contains the elements of the offense intended to be charged, "and sufficiently apprises the defendant of what he must be prepared to meet." and, Secondly, "in case any other proceedings are taken against him for a similar offense, whether the record shows with accuracy to what extent he may plead a former acquittal or conviction". Cochran and Sayre v. United States, 157 U.S. 285, 290, (15 S.Ct 628, 630, 39 L.Ed 704): Rosen V. United States 161, U.S. 29, 34 (16 S.Ct. 434, 480, 40 L. Ed. 606) 369 U.S. at 763-64, 82 S. Ct at 1047. United States V. Cortris, 592 F.2d 893 (5th Cir. 1979) United States V. Guthartz, 573 F. 2d 255 (5th Cir), cert. denied, 439 U.S. 864, 99 S.Ct 187, 58 L.Ed. 2d 173 (1978): United States V. Smith 523 F.2d 771 (5th Cir 1995), cert denied, 429 U.S. 817, 97 S. Ct 5950 L.Ed 2d 76 (1976) The first criterion listed by the Supreme Court has two parts, in addition to apprising the defendant of what he must meet, an indictment must allege each element of the offense charged. United States V. Mullens, 583 F2d 134 (5th Cir 1978). United States V. Purvis, 580 F.2d 863 (5th Cir 1978), cert denied, 440 U.S. 914, 99 S.Ct 1229, 59 Led 2d 463 (1979): Honea V. United States, 344 F.2d 798 (5th Cir. 1965). It is axiomatic that the elements alleged must amount to an offense. As noted in United States V. London, 550 F.2d 206, 211 (5th Cir. 1977), " the question whether an indictment states an offense are both conceptually and procedurally distinct."

In the instant case at bar, and in Russell V. United States 369 U.S. 749, 82 S.ct 1038. 8 L.ed. 2d 2d 240 (1962) the indictment clearly

satisfies the second Rusell requirement, i.e., that the defendant be apprised of what they are to meet. Because, however, the elements listed in the indictment failed to state an offense against the United States, the indictment was insufficient and should have been dismissed.

The indictment on its face, is insufficient, it charges an offense in Montgomery County within the middle district of Alabama. Movants indictment did not charge an offense against the United States, in the Montgomery County, within the middle district of Alabama, are not specified in Rule 1 of the Federal Rules of Criminal Procedures.

In the Montgomery County, within the middle district of Alabama, are not in the district of Guam: Northern Mariana Islands: Virgin Islands or the District of Colombia or in any common wealth, territory, or the possession of the United States. The Judicial officers are empowered by statute and have jurisdiction, by statute in the District of Colombia, or in any common wealth, territory, or possession to perform a function to which particular rules relates.

The Federal Rules of Criminal Procedures, and the United States sentencing Guidelines only apply to violations committed against the United States, not the county of Montgomery which is in the Middle district of Alabama. The U.S. attorney has no territorial jurisdiction over Alabama. see Pollard v. Hagan, 44 US (3 How) 212 (1845) Question of Federal Jurisdiction was once again before the court. This case involved a contest of the title to real property, with one of the parties claiming a right to the disputed property via a U.S. Patent: the lands in question were situated in Mobile, Alabama, adjacent to Mobile Bay. In discussing the subject of Federal Jurisdiction, the court held:

"We think a proper examination of this subject will show that the United States never held any municipal sovereignty jurisdiction, or right of soil in and to the territory, of

which Alabama or any of the new states were formed, 44 US, at 221. [B]ecause, the United States have no Constitutional capacity to exercise municipal jurisdiction or sovereignty, or eminent domain, within the limits of a state or elsewhere, except in the cases in which it is expressly granted, "44 US. at 223.

"Alabama is therefore entitled to sovereignty and jurisdiction over all the territory within her limits, Subject to the common law, "44 US, at 228-29

The best known and most succinctly stated case regarding the subject of Federal jurisdiction is Fort Leaven worth RR Co. V. Lowe, 114 US 525, 58, ct. 995 (1885)

Movants indictment did not charge an offense against the United States given the United States jurisdiction to prosecute said offense. See Exhibit (A) Copy of movants indictment. United States V. Cabrera-teram 168 F.3d 141 (5th Cir 1999). An indictments failure to charge an offense constitutes a jurisdictional defect. See United States V. Hughey, 147 F. 3d 423, 436 (5th Cir 1988) Cert. Denied. 525 U.S. 1030 119 S.Ct. 569, 142 L.Ed. 2d 474 (1988), United States V. Morales-Rosales, 838 F.2d 1359, 1361 (5th Cir 1988) United States V. Edrington 726 F.2d 1029, 1031 (5th Cir. 1988). United States V. Meacham, 626 F. 2d 503, 510 (5th Cir. 1980) Because an indictment is jurisdictional, defendant at any time may raise an objection to the indictment based on failure to charge an offense, and the defect is "Not waived by a guilty plea". Morales-Rosales, 838 F.2d at 1361-62. Fitzgerald, 89 F.3d at 271. United States v. Chaney 964 F2d 437, 447 (5th Cir. 1992) United States V. Wilson 884 F.2d 174, 179 (5th Cir. 1989) United States V. Gayton, 74 F.3d 545, 552, (5th Cir. 1986) Russell V. United States 369 U.S. 749. 763-64, 82 S.Ct. 1038, 8 L.Ed. 2d 240 (1962). One criterion by which the sufficiency of an indictment is judged is whether the indictment contains the elements of the offense intended to be charged. United States V. Deisch 20 F. 3d 139, 145 (5th Cir. 1994).

US Attorney failed to charge an offense, against the United States

The indictment charge, as count one.(1) that on about January 12, 2004, in Montgomery County within the Middle District of Alabama.

The US Attorney used statute, [18 U.S.C. 2113 (a), (d)][18 U.S.C. 924(c)(1) [18 U.S.C. 922 (g)(1)]] Title 18 U.S.C. are not the Alabama state codes, nor is Alabama, a possession or territory, or commonwealth of the United States. The indictment proves the fact that there's no charge against the United States in movants indictment. Rendering the indictment insufficient. United States V. Meecham, 626 F.2d 503, 510 (5th Cir. 1980) Russel V. United States, 369 U.S. 749 763-64, 82 S.Ct. 1038. 8 L.Ed. 2d 240 (1962).

ISSUE 1 (B)

(B) Whether the US Attorney proved Territorial Jurisdiction and affirmatively asserted said territorial jurisdiction in movants plea agreements.

Movant asserts that US Attorney did not affirmatively show territorial jurisdiction, in movants guilty plea, nor in the guilty plea hearing, when movant plead guilty. For the US Attorney to charge an offense for the violation of 18 U.S.C. or any other statute, in the Federal Rules of Criminal Procedures, the U.S. Attorney must prove territorial jurisdiction. With respect to movants failure to raise these issues in the court, before he pleaded guilty, the Courts hold that the right to be free of prosecution under an indictment that fails to charge an offense is a substantial right. Therefore, even though the movant did not assert the defect in the indictment to the district courts attention, the court may notice the defect on appeal. Fed. R. Crim. P. 52(b): Walker V. United States 342 F. 2d 22 (5th Cir.) Cert denied 382 U.S. 859, 86 S.ct 117, 15 L.Ed. 2d 97 (1965) the final question with respect to the effect of the insufficient indictment involves the movants guilty plea. By pleading guilty, the movant waived many of the objec-

tions to his conviction that he otherwise could have been raised on appeal. Tollet V. Henderson, 411 U.S. 258, 93 S.Ct. 1602. 36 L.Ed 2d 235 (1973) Mcmann V. Richardson, 397 U.S. 759, 90 S.Ct. 1441, 25 L.Ed 2d 763 (1970): Brady V. United States, 397 U.S. 742, 90 S.Ct 1463 , 25 L.Ed. 2d 747 (1970). Movant however does not waive all objections. In Menna V. New York 423 U.S. 61, 96 S.Ct. 241 46 L.Ed. 2d 195 (1975) the Court has stated: the point of (Tollett and other cases holding that certain objections are waived by (626 F.2d 510) the entry of voluntary and intelligent guilty pleas) is that, a counseled plea of guilty is an admission of factual guilt so reliable that, where voluntary and intelligent, it quite validly removes the issue of factual guilt from the case. In most cases factual guilt is a sufficient basis for the state's imposition of punishment. A guilty plea, therefore, simply renders irrelevant those constitutional violations not logically inconsistent with the valid establishment of factual guilt is validly established. Here, however, the claim is that the state may not convict petitioner no matter how validly his factual guilt is established. The guilty plea, therefore, does not bar the claim. We... hold that a plea of guilty to a charge does not waive a claim that judged on its face the charge is one which the state may not constitutionally prosecute. The objection that the movant's indictment fails to charge an offense is not waived by a guilty plea. The violation of movant's right to be free of prosecution for a non offense would bar his conviction even if his "factual guilt," had been established validly. the entry of a guilty plea does not act as a waiver of jurisdictional defects such as an indictment's failure to charge an offense. United States V. DI Fonzo, 603 F.2d 1260 (7th Cir. 1979). Cert. denied, 444 U.S. 1018, 100 S. Ct. 672, 62 L.Ed 2d 648 (1980): United States V. Boncheau, 597 F.2d 1260 (9th Cir) Cert. denied, 444

U.S. 859, 100 S.Ct 123, 62 L.Ed, 2d 80 (1979) Edwards guilty plea does not bar reversal of his convictions. See Launis V. United States, 575 F.2d 770 (9th Cir. 1978) : United States V. Macklin, 523 F.2d 193 (2d Cir 1975).

Movant also assert's that US Attorney fail to show territorial jurisdiction, See, Jones V. United States, 137 US 202 11 St 80 (1890) Hanford V. Davis, 163 US 273, 16 S.ct 105 (1896) The Court Stated: "There is no presumption in favor of jurisdiction and the basis for jurisdiction must be affirmatively shown". F/W PBS Inc. V. Dallas 493 US 215, 107 LEd 2d 603 (1990) Allen V. Wright, 468 US 737, 750, 82 Led 2d 556 (1984) Bender V. William-Port Area School Dist. 475 US 534 541, 89 Led 501 (1986)" 107 Led 2d at 621-22 in Sweeton V. Brown, 27 F 3d 1162 (6th Cir. 1994) jurisdiction cannot be waived, jurisdiction cannot be conferred upon, by consent, inaction or stipulation.

It is well established principle of law that states: "all Federal legislation applies only within the territorial jurisdiction of the United States unless a contrary intent appears. "See Caha V. United States, 152 US 211, 215 14 S.Ct. 513 (1894): American Banana Company V. United Fruit Company 213 US 347, 357, 29 S.ct. 511 (1909): United States V. Bowman, 260 US 94, 97-98 43 S.ct. 39 (1922): Blackmer V. United States, 284 US 421, 437, 52 S.Ct. 252 (1932): Foley Bros. V. Filards, 336 US 281, 285, 69 S.Ct. 575 (1949): United States V. speler 338 US 217, 222, 70 S.Ct. 10 (1949) United States V. First National City Bank, 321, F2d 14, 23 (2nd Cir. 1963) The above principles of law is expressed in a number of cases from the Federal appellate courts: See MCkeel V. Islamic Republic of Iran, 722 F.2d 582, 589 (9th Cir. 1983). Holding the foreign sovereign immunities act as territorial: Meredith V. United States 330 F2d 9. 11 (9th Cir. 1964): Holding the

Federal tort claim act as territorial United States V. Contrani, 527 F2d 708, 711 (2nd Cir. 1975), Holding Federal wiretap laws as territorial: Stowe V. Devoy 588 F. 2d 336 341 (2nd Cir. 1978) Clearly V. United States Lines, INC 728 F2d 607 609 (3rd Cir. 1984) Holding Federal age discrimination law as territorial: Thomas V. Brown& Root INC. 745 F2d 279, 281 (4th Cir. 1984) holding same as Cleary, supra: United States V. Mitchell, 553 F2d 996, 1002 (5th Cir. 1977) Holding marine mammals protection act as territorial: Pfeiffer V. William Wrigley, Jr., Co. 755 F2d 554 557 (7th Cir. 1985), Holding age discrimination laws as territorial: Airline Stewards & Stewardesses Assn, V. Northwest Airlines, Inc. 267 F2d 170, 175 (8th Cir. 1959), Holding railway labor act as territorial: Zabourek V. Arthur Young And-Co., 750 F2d 827, 829 (10th Cir. 1984) Holding age discrimination laws as territorial: Commodities Futures Trading Comm V. Nahas, 738 F2d 487, 493 (D.C. Cir. 1984) Holding commission's subpoena power under Federal law is Territorial: Reyes V. Secretary of H.E.W., 476 F2d 910, 915 (D.C. Cir. 1973) Holding administration of social security act as territorial: Schoenboun V. Firstbrook, 268 F. Supp 385, 392 (S.D.N.Y. 1967) Holding Securities act as territorial. The issue was perhaps best stated in Caha V. United States, Supra. Where the Supreme Court Stated as follows:

The Laws of Congress in respect to those matters do not extend into the territorial limits of the state, but have force only in the district of Colombia, and other places that are within the exclusive jurisdiction of the national government, "152 US, at 215.

The "United States" has territorial jurisdiction only in Washington, D.C. the Federal enclaves within the state, and in the territories and insular possessions of the "United States," wherein the "United States" has exclusive jurisdiction, and this fundamental proposition of law is fully supported by literally hundreds upon hundreds of cases. In Bowen V. Johnson, 97 F2d 860 (9th Cir. 1938).

The question presented was whether jurisdiction "without proof of the requisite ownership or possession of the United States, the

crime has not been made out. "Id., at 651 in Brown V. United States, 257 F 46 (5th Cir. 1919) England V. United States 174 F 2d 466 (5th Cir.1949): Krull V. United States 240 F2d 122 (5th Cir. 1957) Huds-peth V. United States 223 F 2d 848 (5th Cir.1955) Gainey V. United States, 324 F 2d 73 (5th Cir. 1963) United States V. Townsend, 474 F2d 209 (5th Cir. 1973). United States V. Benson 495 F2d 475, 481 (5th Cir. 1974). United States V. Tucker, 122 F 518 (W.D.KY 1903) United States V. Blunt, 588 F.2d 1245 (6th Cir 1977) In Re Kelly, 71 F545 (E.D. Wis. 1895) Sweeton V. Brown, 27 F.3d 1162 (6th Cir 1994) United States V. Johnson, 426 F2d 112 (7th Cir 1970) United States V. Heard, 270 F. Supp. 198(W.D.MO 1967) United States V. Redstone, 488 F2d 300 (8th Cir 1993): United States v. Goings, 504 F2d 809 (8th Cir. 1974), demonstrating the loss of jurisdiction: Hayes V. United States, 367 F2d 216 (10th Cir. 1966) United States V. Carter, 430 F2d 1278 (10th Cir. 1970): Hall V. United States, 404 F2d 1367 (10th Cir. 1969) United States V. Cassidy, 571 F2d 534(10th Cir. 1978) United States V. Bateman, 34 F 86 (Md. Cal 1888) United States V. Watkins, 22 F2d 437 (N.D. Cal 1927) United States V. Holt, 168 F 141 (W.D. Wash. 1909). United States V. Wurtzbarger, 276 F 753 (D. or, 1921) Rogers V. Squier 157 F2d 948 (8th Cir. 1846) Without a cession, the U.S. is without jurisdiction. State of Arizona V. Many Penny, 445 F. Supp. 1123 (D. Ariz. 1977). Insurance Corporation of Ireland, Ltd V. Comoagniedes, Bauncites de Guinee, 456 US 694, 74 Led 2d 492 (1982) Jones V. United States, 137 US 202 S.Ct 80 (1890) Hanford V. Davis, 163 US 273, 16 S.Ct 1051 (1896) FW/PBS. INC. V. Dallas, 4493 US 215, 107 L.Ed 2d 603 (1990) Allen V. Wright, 468 US 737, 750 82 LED 2d 556 (1984) [E]very Federal appellate court has a special obligation to "Satisfy itself

not only of its own jurisdiction, but also that of the lower courts in a cause under review, "even though the parties are prepared to concede it, "And if the record discloses that the lower court was without jurisdiction the appellate court will notice the defect, although the parties make no contention concerning it." Bender v. Williamsport Area School Dist. 475 US, 534, 541, 89 Led 501 (1986).

ISSUE II

Whether Movants Sentence was imposed in Violation of Movants Due Process Right's.

Comes Now Movant, In the instant case at bar, who asserts that, the sentence imposed was in violation of his due process right's under the fourteenth Amendment. Movant prays that this Honorable court reduce his sentence, The sentencing guidelines permits a district court to depart downward if a defendant suffers from significantly reduced mental capacity that contributed to the commission of his or her offense. United States Sentencing Commission, Guidelines Manual, §5k2. 13 P.S. (Nov. 1991) (U.S.S.G. §5k2.13). Movant Asserts that his Attorney, or the US Attorney, did not bring the condition of the Movants mental condition to this Honorable Courts attention, in his guilty plea hearing nor at sentencing. At the time the movant committed, the crimes in the instant case, the movant was not in his right mind. The record of movant mental history could be found in Exhibit, (C) from Montgomery Area Mental Health Authority.
101 Coliseum Boulevard
POBox 3223
Montgomery, Alabama, 36109
Phone #334-279-7830

The US Attorney the FBI, and Movants Attorney only wanted to solve the unsolved cases of Bank Robberies, that was not solved. At the time the movants mental condition was deminished, because of lack

of medication. In this case, the US, Attorney and movants Attorney presumed that the movant was competent to stand trial, and go through a guilty plea hearing, in violation of movants right's. Cooper V. Oklahoma, 517 US, 134 Led 2d 498, 116 Sct (1996) Rhodes V. O/K-long, 84 F 3d 284 (8th Cir. 1996) Conviction of legally incompetent person violates due process Before the guilty plea hearing, and before sentencing, movants Attorney could have placed the Movants Clinical Psychologist report before the court, for a sentence reduction.

In the instant case at bar the Movant, could have been evaluated and sent to receive treatment from a mental institution instead of the sentence imposed, of 23 years.

The Movant ask that this Honorable court, Have an evidentiary hearing in this matter, so the movant could present his medical record before the court. And if not given an evidentiary hearing the movant ask for a reduction of sentence, under the U.S.S.G.

CONCLUSION

Movant asserts that he has proved to this Honorable court, undisputable facts on the following allegations.

- (1). US. Attorney did not charge an offense against the United States in movants indictment.
- (2). U.S. Attorney did not affirmantly show, or prove territorial jurisdiction, in the instant case. Neither in movant indictment, guilty plea, or sentencing faze of the procedures.
- (3). Movant has proved with the record from Montgomery Mental Health Authority that, the movant, without his medication, and constant treatment, the movant suffer from a mental diminished condition and have a history of said condition.

Wherefore, the movant ask that justice be served, and the 23 year

sentence be recalled.

Date: 2-8-07

Frank J. Edwards

Frank J. Edwards
Reg#11351-002
FCC, Yazoo City Med
POBox 5888
Yazoo City MS, 39194

Certificate of Service

I Hereby certify that the original an 2 Copies of this foregoing instrument has been mailed posted pre paid on this 8 day of Feb 2007 to the clerk of court, and one copy of this instrument to the US. Attorney in this case, by legal mail here in FCC Yazoo City Med. Mississippi.

Date: 2-8-07

Frank Edwards

Frank Edwards

EXHIBIT A-1

Exhibit A-1

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAN 21 2004

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA,)

FRANK JAMES EDWARDS)

CR. NO. 04-8-N[18 USC 2113(a), (d);
18 USC 924(c) (1);
18 USC 922(g) (1)]INDICTMENT

The Grand Jury charges:

COUNT 1That on or about January 12, 2004, in Montgomery County,
within the Middle District of Alabama,

FRANK JAMES EDWARDS,

defendant herein, by force and violence and by intimidation, did take from the person and presence of another approximately \$6,318.00, belonging to and in the care, custody, control, management, and possession of SouthTrust Bank, 3015 McGhee Road, Montgomery, Alabama, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation, and in committing said offense, the defendant did assault and put in jeopardy the life of another person by the use of a dangerous weapon, that is, a semi-automatic handgun, a better description of which is unknown to the Grand Jury. All in violation of Title 18, United States Code, Sections 2113(a) and (d).

COUNT 2That on or about January 12, 2004, in Montgomery County,
within the Middle District of Alabama,

SEARCHED INDEXED
SERIALIZED FILED

JAN 26 2004	
FBI-MOBILE	

Edwards Jan/2004

914-10-44314
[REDACTED] 12

FRANK JAMES EDWARDS,

defendant herein, did knowingly use and carry during and in relation to, and did knowingly possess in furtherance of, a crime of violence, namely the armed bank robbery as alleged in Count 1 above, which allegations the Grand Jury reallege and incorporate by reference herein, for which the defendant may be prosecuted in a Court of the United States, a firearm, namely a semi automatic handgun, a better description of which is unknown to the Grand Jury. All in violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT 3

on or about January 12, 2004, in Montgomery County, Alabama, within the Middle District of Alabama,

FRANK JAMES EDWARDS,

defendant herein, having been convicted of the following felonies in the Circuit Court of Montgomery County, Alabama, crimes punishable by imprisonment for a term exceeding one year under the laws of the State of Alabama, to-wit: on or about July 3, 1991, Theft of Property 2nd Degree, Case No. CC-90-1801; and, on or about December 19, 1991, Escape 3rd Degree, Case No. CC-91-2175; did knowingly possess in and affecting commerce a firearm, that is, a semi automatic handgun, a better description of which is unknown to the Grand Jury, and ammunition, in violation of Title 18, United States Code, Section 922(g)(1).

COUNT 4

That on or about January 14, 2004, in Montgomery County, Alabama, within the Middle District of Alabama,

FRANK JAMES EDWARDS,

defendant herein, by force and violence and by intimidation, did take from the person and presence of another approximately \$3,063.00, belonging to and in the care, custody, control, management, and possession of Regions Bank, 3118 Mobile Highway, Montgomery, Alabama, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation, and in committing said offense, the defendant did assault and put in jeopardy the life of another person by the use of a dangerous weapon, that is, a .38 Ruger Revolver, serial number 570-49464, a better description of United States Code, Sections 2113(a) and (d).

COUNT 5

On or about January 14, 2004 in Montgomery County, within the Middle District of Alabama,

FRANK JAMES EDWARDS,

defendant herein, did knowingly use and carry during and in relation to, and did knowingly possess in furtherance of, a crime of violence, namely the armed bank robbery as alleged in Count 4 above, which allegations the Grand Jury reallege and incorporate by

reference herein, for which the defendant may be prosecuted in a Court of the United States, a firearm, namely a .38 Ruger Revolver, serial number 570-49464, a better description of which is unknown to the Grand Jury. All in violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT 6

On or about January 14, 2004, in Montgomery County, within the Middle District of Alabama,

FRANK JAMES EDWARDS,

defendant herein, having been convicted of the following felonies in the Circuit Court of Montgomery County, Alabama, crimes punishable by imprisonment for a term exceeding one year under the laws of the State of Alabama, to-wit: on or about July 3, 1991, Theft of Property 2nd Degree, Case No. CC-90-1801; and, on or about December 19, 1991, Escape 3rd Degree, Case No. CC-91-2175; did knowingly possess in and affecting commerce a firearm, that is, a .38 Ruger Revolver, serial number 570-49464, a better description of which is unknown to the Grand Jury, and ammunition, in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION 1

A. Counts 2 and 5 of this Indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for the violations of Title 18, United States Code, 924(c)(1), as alleged in Counts 2 and 5 of this

indictment the defendant,

FRANK JAMES EDWARDS,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of these offenses.

c. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or,
- (5) has been commingled with other property which cannot be divided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the property described in Paragraph B above, all in violation of Title 18, United States Code, Section 924.

FORFEITURE ALLEGATION 2

A. Counts 3 and 6 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for the violations of Title 18, United States Code, Section 922(g)(1), as alleged in Count 3 and 6 of this indictment, the defendant,

FRANK JAMES EDWARDS,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of these offenses.

C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred, sold to, or deposited with a third person;

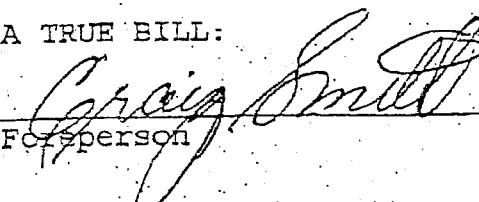
(3) has been placed beyond the jurisdiction of the court;

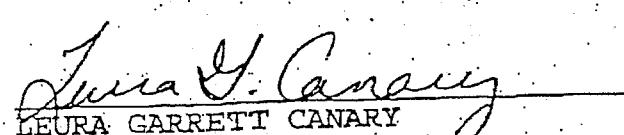
(4) has been substantially diminished in value; or,

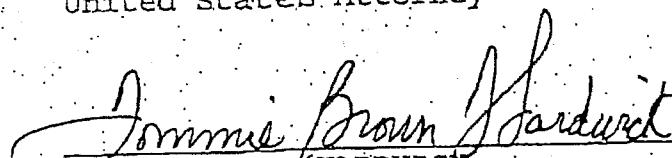
(5) has been commingled with other property which cannot be divided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an order of

this Court forfeiting any other property of said defendant up to the value of the property described in paragraph B above, all in violation of Title 18, United States Code, Section 922.

A TRUE BILL:


Craig Smith
Forsperson


Leura Garrett Canary
United States Attorney


Tommie Brown Hardwick
Assistant United States Attorney

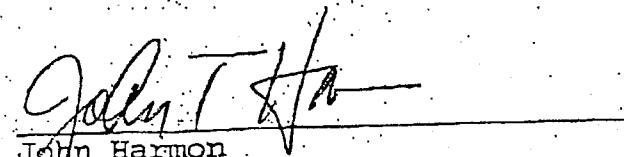

John Harmon
Assistant United States Attorney

EXHIBIT A-2



FDIC

Federal Deposit Insurance Corporation
550 17th Street, NW, Washington, DC 20429

EXHIBIT A-2

Office of Executive Secretary

August 18, 1999

Mr. James L. Johnson
#19266-057
P.O. Box 4000
Manchester, KY 40962-4000

FDIC Log # 99-0560

Dear Mr. Johnson:

This will respond to your letter dated July 24, 1999, pursuant to the provisions of the Freedom of Information Act ("FOIA," 5 U.S.C. § 552), asking whether or not the FDIC insures First Citizens Bank of Rural Hall, North Carolina.

Please be advised that the FOIA does not require agencies to answer questions; rather, it requires agencies to search for, and provide, copies of releaseable documents in response to requests for the same. As a courtesy to you, however, we will, at this time, address the question you pose.

First-Citizens Bank & Trust Company, Raleigh, North Carolina, with a branch in Rural Hall, is insured by the FDIC and has been since the inception of the FDIC in 1933. Enclosed is a printout from the FDIC's website, at www.fdic.gov, which shows FDIC's insurance of the institution.

For your general information, FDIC's federal deposit insurance coverage DOES NOT protect a bank or thrift against loss from fraud, theft, or embezzlement; rather, it protects insured deposits in the event of the insolvency of the institution. Any such claim, therefore, would not be reimbursed by the FDIC. Federal deposit insurance for bank insolvencies extends to the main office of the bank, as well as to all affiliated branches, and is continuous until either voluntarily surrendered or revoked pursuant to federal regulations. Enclosed please find a copy of "Your Insured Deposit," which will provide other useful information on federal deposit insurance.

Sincerely,

Fredrick L. Fisch
Senior Attorney

Enclosures

(31)

1. The Director of the Federal Register responded to a Freedom of Information

Act request dated March 11, 1994, pursuant to the request for a copy of the Parallel

Table of Authority Index and a copy of the regulations that cite 21 USC. sec.'s 840-849.

The response was as follows:

44 U.S.C. sec. 15 clearly states that: " Documents having general applicability and legal effect is every document or order which prescribes a penalty. 21 U.S.C. sec.'s 841, 843, and 846 all prescribes penalties and therefore must be published in the Federal Register pursuant to law. The Administrative Procedure Act 5 USC. sec. 551 and 44 USC, sec. 15 requires publication, irrespective of actual notice, as a prerequisite to issuance of a regulation making certain acts criminal. If they are not published in the Federal Register as required by 5 USC. sec. 551, the omission is fatal.

Once promulgated, these regulations, called for by the statute itself, have the force of law and violations thereof incur criminal prosecution, just as if all the details have been incorporated into the Congressional language. The result is that neither the statute nor the regulations are complete without the other, and only together do they have force: in effect, therefore, the construction of one necessarily involves the construction of the other.

In the context of criminal prosecution, the rule of strict construction must be applied in the interpretation of an administrative regulation to which penal consequences attach under the statute authorizing the promulgation of the regulation as well as the construction of the statute."

Definitions:

1. Robbery: *18 USC. sec. 2113*; which includes (aggravated) bank robbery.

Pursuant to the Freedom of Information Act request to the Federal Deposit Insurance Corporation, dated March 19, 1987, the request was answered in part as follows.

Note: The Federal Register does not list this statute.

"You asked what agency has jurisdiction of the insurance charters against robbery and theft. It is noted that FOIA does not require that the FDIC answer questions but only requires that the FDIC produce documents already in existence (unless otherwise exempt).

You are further advised that there is no agency of the federal government that insures banks or Federal credit unions against robbery and theft."

2. Drugs: *21 USC. sec.'s 841, 843, & 846*; Trafficking. includes distribution, manufacture, conspiracy, continuing enterprise, drug distribution-employee under 21. *Other Miscellaneous Offenses* includes illegal use of regulatory number- drugs, illegal transfer of drugs, illegal regulatory number to get drugs, paraphernalia,

EXHIBIT B

Exhibit B

reduction pursuant to U.S.S.G. § 3E1.1 is at the sole discretion of the United States.

2. Pursuant to Rule 11(c)(1)(C), the government agrees that a sentence of two hundred seventy-six months (23 years) after the calculation by the United States Probation Officer and determination by the Court, is an appropriate sentence as to the bank robberies as charged in Counts 1 and 4 of the Indictment, and the brandishing of a firearm during and in relation to the commission of a crime of violence as charged in Counts 2 and 5 of the Indictment.

3. The government agrees to file a motion for a downward departure based upon the defendant's substantial assistance to the government pursuant to Title 18, United States Code, § 3553(e), prior to sentencing.

4. The United States reserves the right to inform the Court and the Probation Department of all facts pertinent to the sentencing process, including all relevant information concerning the offenses and the defendant's background.

DEFENDANT'S PROVISIONS

5. The defendant agrees to the following:

- a. To plead guilty to Counts 1, 2, 4, and 5 of the Indictment;
- b. That the recommendation in paragraph 2 above, is the appropriate sentence

in this case.

c. DEFENDANT WAIVES APPEAL AND COLLATERAL ATTACK -

Understanding that 18 U.S.C. § 3742 provides for appeal by a defendant of the sentence under certain circumstances, Defendant expressly waives any and all rights conferred by 18 U.S.C. § 3742 to appeal the sentence on any other ground and waives the right to attack the sentence in any post-conviction proceeding, except the defendant does not waive the right to appeal based upon

ineffective assistance of counsel and prosecutorial misconduct.

Notwithstanding the above, Defendant reserves the right to file a direct appeal for an upward departure from the applicable Guidelines range which the sentencing court specifies at the time of sentencing as having been imposed pursuant to either U.S.S.G. § 4A1.3 (from criminal history) or 5K2.0 (from offense level). Defendant understands and agrees that this waiver as to all other Guidelines findings would still be in force and effect notwithstanding the appealability of an upward departure.

d. The defendant and counsels for defendant agree that there are no motions for a downward departure applicable in this case other than the United States' motion which specifies a sentence of two hundred and seventy-six months (23 years) as the appropriate sentence in this case. The filing of any other motion for a downward departure on behalf of the defendant will void this plea agreement in its entirety.

Further, the parties agree that nothing in this agreement shall affect the United States' right and/or duty to appeal as set forth in 18 U.S.C. § 3742(b). However, if the United States appeals Defendant's sentence pursuant to 18 U.S.C. § 3742, Defendant is released from this waiver.

e. **CONSENT TO FORFEITURE:** The defendant agrees to forfeit to the Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, a .38 Ruger Revolver, serial number 570-49464, and ammunition as charged in Count 5 of the Indictment.

f. **RESTITUTION:** The defendant agrees to pay the restitution listed, both jointly and severally with any and all defendants who may be charged in connection with the offenses described in Counts 1, 2, 4 and 5.

Compass Bank
500 East Patton Avenue

Regions Financial Corporation
3118 Mobile Highway

Exhibit C

EXHIBITS



MONTGOMERY AREA MENTAL HEALTH AUTHORITY
 101 COLISEUM BOULEVARD, P.O. BOX 3223
 MONTGOMERY, ALABAMA 36109

(334) 279-7830

SERVING MONTGOMERY, ELMORE,
 AUTAUGA AND LOWNDES COUNTIES

BARBARA KORNEGAY
 President

WILLIAM T. WRIGHT
 Executive Director

Federal Bureau of Prisons
 Federal Correctional Complex
 P. O. Box 5666
 Yazoo City, Mississippi 39194
 Dr. Erik Nabors

DATE: 12/18/06Re: 216164A/N: 419-06-9495

Enclosed you will find a copy of the following most recently prepared items on the above-named person. If you need additional information, please feel free to call on us.

- INTAKE dated 12-15-00
- CASE FORMULATION AND/OR CASE STAFFING TREATMENT PLAN dated 12-21-00
- TERMINATION OR TRANSFER SUMMARY dated 8-16-01
- PSYCHIATRIC NOTE/EVALUATION
 Center Prescribed Meds
- MEDICAL CHECK dated 12-21-00
- MEDICAL CHECKLIST
- PHYSICIAN'S NOTE dated 12-29-00, 1-18-01, 2-15-01, 3-15-01
- OTHER (SPECIFY): Therapist Notes dated 12-29-00, 1-18-01, 2-15-01
 3-15-01

SINCERELY.

K. Coleman

THIS IS CONFIDENTIAL INFORMATION PROTECTED BY FEDERAL LAW AND CANNOT BE DUPLICATED OR SHARED WITHOUT THE WRITTEN CONSENT OF THE CLIENT

APPROVED BY: St. B. L. C.W.

(1)

TERMINATION INFORMATION

Name Frank Edwards Client Case Number 166465
 Termination Date 08/16/01 Reason 2 Living Arrangements at Termination 5
 Problems at Termination 1919, , , , ,
 Referral Codes at Termination 01

DX	Code	Description	Axis
1	295.30	Schizophrenia, Paranoid Type	I
2	304.80	Paranoid Schizophrenia	I
3			
4			

EASON

- Transferred (responsibility for the patient officially accepted by another organization and the patient transferred to that organization)
- Administratively Discontinued (no contact with organization for 90 days)
- Patient/Client Died
- Patient Terminated Service
 Against Advice
- Patient Lost to Contact
- Discharged - Treatment Completed-
 No Referral
- Discharged - Additional Services
 Advised - No Referral
- Discharged - Additional Services
 Advised - Referral Made
- Not Applicable/Moved

LIVING ARRANGEMENT

- 1 - Lives Alone
- 2 - Lives With Relatives
- 3 - Lives With Non-Related
- 4 - Lives With Dependent Child
- 5 - Unknown
- 6 - Guardian
- 7 - Paid Care Provider

PROBLEMS

- 001 - Marital
- 002 - Family
- 003 - Social
- 004 - Interpersonal
- 005 - Daily Coping
- 006 - Medical
- 007 - Somatic
- 008 - Depression/Mood Disorder
- 009 - Suicidal
- 010 - Alcohol
- 011 - Drugs
- 012 - Criminal Justice
- 013 - Eating Disorder
- 014 - Thought Disorder
- 015 - Abuse Victim
- 016 - Assault Victim
- 017 - Rape Victim
- 018 - Runaway Behavior
- 097 - None
- 098 - Other

REFERRAL CODES (Continued)

- 13 - Probation/Parole
- 14 - Recognized Legal Entity
- 15 - DUI/DWI
- 16 - Diversionary Program/Tasc
- 17 - Prison
- 18 - Other Criminal Justice
- 19 - Police
- 20 - Guardian
- 21 - Other Community Referral
- 22 - Education Agency
- 23 - State/County Psychiatric Hospital
- 24 - General Hospital Psychiatric Hosp
- 25 - Other Inpatient Psy Organization
- 26 - Nursing Home, Ext Care
- 27 - Alcohol Treatment Inpatient/Res
- 28 - Drug Abuse Inpatient/Res
- 29 - Alcohol Treatment/Not Inpatient
- 30 - Drug Abuse/Not Inpatient
- 31 - Multi-Service Mental Health Ag
- 32 - Outpatient Psy Services/Clinic
- 33 - Private Psychiatrist
- 34 - Other Physician
- 35 - Other Private Mental Health Pract
- 36 - Other Health Provider
- 37 - Partial Day Organization
- 38 - Shelter for Homeless
- 39 - Shelter for Abused
- 40 - MR Regional Office
- 41 - ARC
- 42 - 310 Programs
- 43 - Voc Rehab Services
- 44 - Person-Care/Bd Home
- 45 - Clergy
- 98 - Other
- 99 - Unknown

THIS IS CONFIDENTIAL INFORMATION PROTECTED BY FEDERAL LAW AND CANNOT BE DUPLICATED OR SHARED WITHOUT THE WRITTEN CONSENT OF THE CLIENT

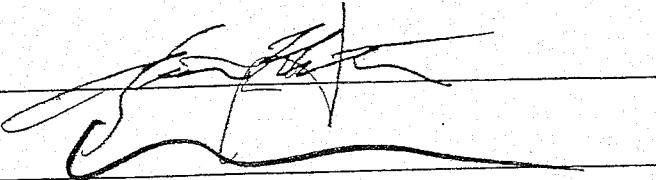
099 - Unknown

REFERRAL CODES

- 01 - Self/None
- 02 - Parent
- 03 - Physician
- 04 - School System
- 05 - Other Family
- 06 - Friend
- 07 - Spouse
- 08 - DHR
- 09 - Employer/EAR
- 10 - Court/Correction Agency
- 11 - State/Federal Court
- 12 - Formal Adjudication

Signature

Approved



MONTGOMERY AREA MENTAL HEALTH AUTHORITY
CASE STAFFING/TREATMENT PLAN*Frank Edwards*

CASE NUMBER: 66465

DATE 12-21-00

AUTHORIZED SERVICES:

1: Day Hospitalization 2: Intensive Day Treatment 3: Supportive Day Treatment
for 90 days/3 months or until progress is sufficient for discharge/transfer to other services.

4: Medication Therapy until the physician determines that medications are no longer needed for control of patient's symptoms. This service may include (1) Physician/Medical Assessment and Treatment, (2) Medication Administration, and (3) Medication Monitoring (by non-physician staff).

5: Individual Therapy 6: Family Therapy 7: Group Therapy
Not to exceed 20 sessions or 12 months, at which time the need for continued services will be reviewed.

8: Recommendation to Contact Family Physician for medication evaluation

9: Referral to Substance Abuse Treatment Program for evaluation/treatment

10: Referral to Department of Rehabilitation Services for vocational services

11: 24 Hour/Day Protective Oversight and Residential Psychiatric Care:
 Therapeutic Group Home projected length of stay 6 months
 Residential Care Home projected length of stay 6 months
 Crisis Stabilization Unit projected length of stay 14 days

12: Diagnostic Testing 13: Family Education & Support as needed requested by client/family

14: Case Management 15: Mental Illness Basic Living Skills

16: Referral to CHOICES Clubhouse Program

17: Other:
 Mental Health Consultation and Crisis Intervention will be provided as needed.

ASSIGNED TO:

Marcia Johnson
Case Responsible Staff Name and Title
THIS INFORMATION IS CONFIDENTIAL
PROTECTED BY FEDERAL LAW AND CANNOT BE

YES / NO Client/legal guardian participated in the development/revision of the treatment plan

YES / NO Client's family participated in the development/revision of the treatment plan

If no, reason: *Client come alone & assessment*

Signed by

Marcia M Jones MD

Date 12/21/00

Staff Name and Title

Approved by

Bruce D. MD

Date 12/21/00

Licensed Clinician

I hereby acknowledge that I DID/DID NOT participate in the development of this treatment plan, and that I have received a copy of treatment services authorized.

Client Signature *FRANK EDWARD*

Date 1/18/01

12/21/2000 10:43 AM 02 18 00

MONTGOMERY AREA MENTAL HEALTH AUTHORITY
CASE STAFFING/TREATMENT PL

Frank Edwards

CASE NUMBER: 66465

SUMMARY OF PROBLEMS/CLINICAL ISSUES/SERVICE NEEDS:

Mr. Edwards is a 36 yr old IBM. He currently resides in Montgomery w/ ex-wife. He is self referred requesting needs monitoring. Client states that he now works as a member of the Fellowship House in Birmingham and received outpatient MH services at UAB. He states that he was maintained on Risperidol 3mg, Depakote 500mg + Chlorpromazine 1000mg. He states being diagnosed as Schizophrenic, Paroxysm type. He states that he is still plagued by auditory hallucination + that he has diff. sleeping at night. He reports the onset of his mental illness started about 6 1/2 years ago.

TREATMENT GOALS/PROCESSES/OUTCOMES:

Number	Goal	How Measured (Outcomes)	Set/Rated by
1	Decrease psychotic symptoms from a 4-2 client on 9/1 scale (4 = moderately to 9 = most blatant) to self at a level of 2		
2	Prevent hospitalization. Goal rated as yes/no. Currently at Yes.		

THIS IS CONFIDENTIAL INFORMATION
PROTECTED BY FEDERAL LAW AND CANNOT BE
DUPLICATED OR SHARED WITHOUT THE

DIAGNOSIS(ES): (First diagnosis listed is primary. Reason for listing unless otherwise noted)

295.30 | Schizophrenia, paranoid
304.80 | Poly substance dependence

Approved by:

Darl. M.R. for M.R. M.D.

Date 2/26/07

02/26/2007

02 18 00

MONTGOMERY AREA MENTAL HEALTH AUTHORITY
 Center-Prescribed Medication Record

Client's Name Frank Edwards Case No. 66465

Date Prescribed	MEDICATION	Sig.	#	Prescribing Physician	Rx #	No. of Refills	Date Rx Picked Up	Problem See Note
12/21/00								
12/29/00	Risperidol 3	1 daily	30	ALY		0		
	Celipar 20	11 daily	60			0		
	Thorazine 100	11 hs	60			0		
	Depakote 500	1 daily	30			0		
1/18/01	(1) Risperidol 3y	11 HS	30			NR		
	(2) Thorazine 100g	11 HS	60	(10)		NR		
	(3) Depakote 500g	1 daily	60			NR		
	(1/c) CERUARD							
2/15/01	(1) Risperidol 3y	1 HS	30			OMR		
	(2) Thorazine 100g	1 HS	60			OMR		
	(3) Depakote 500g	1 daily	60			OMR		
3/13/01	(1) Risperidol 3y	1 HS	30	(10) 10		OMR		
	(2) Thorazine 100g	1 HS	60			OMR		
	(3) Depakote 500g	1 daily	60			OMR		
				CONFIDENTIAL INFORMATION PROTECTED BY FEDERAL LAW AND CANNOT BE DUPLICATED OR COPIED WITHOUT THE WRITTEN CONSENT OF THE CLIENT				
1/12/96								

MONTGOMERY AREA MENTAL HEALTH AUTHORITY
PROGRESS NOTE

Staff Number	Client Name (Please print)		Date (MM/DD/YY)							
060164465	FRANK Edwards		01/31/01							
Staff ID #	Staff Time	Client Time	Reporting Unit	Place of Svc	Activity	Code 1	Activity	Code 2	Modifier	# in Grp
2645	150	215	101520							

SERVICES PROVIDED:

Individual Therapy	<input type="checkbox"/> Group Therapy	<input type="checkbox"/> Family Therapy	<input type="checkbox"/> Med. Monitoring
Medication Administration	<input type="checkbox"/> MH Consultation	<input type="checkbox"/> MD Assessment & Tx.	<input type="checkbox"/> Crisis Intervention
Basic Living Skills, Indiv.	<input type="checkbox"/> Basic Living Skills, Grp.	<input type="checkbox"/> Family Support, Indiv.	<input type="checkbox"/> Family Support, Grp.
In-Home Intervention	<input type="checkbox"/> Prehospitalization Screening	<input type="checkbox"/> Other Phone/Contact	<input type="checkbox"/> Diagnostic Testing
Case Management	<input type="checkbox"/> Other	<input type="checkbox"/> Other:	<input type="checkbox"/> Other:

EXT APPOINTMENT (Circle): None M T W Th F DATE: April 10 TIME: 230 PAY STATUS: 011

1st Copy: Accounting Office

2nd Copy: Consumer

3rd Copy: Client Record

VISIT NUMBER: _____

MENTAL STATUS: (Check Where Applicable) MENTAL STATUS NOT ASSESSEDAPPEARANCE/GROOMING: Appropriate Inappropriate Other: _____AFFECT: Appropriate Inappropriate Other: flatMOOD: Euthymic Anxious Dysphoric Expansive Irritable Other: _____

THOUGHT OR PERCEPTUAL DISTURBANCES:

None Hallucinations Delusions Suicidal Homicidal Paranoid Other: _____

SLEEP: Good Fair Poor Insomnia Nightmares Hypersomnia Other: _____APPETITE: Good Fair Poor Anorexia Bulimia Comment: _____ORIENTATION: Normal DEFICITS: Person Place Time Situation Other: _____MOTOR ACTIVITY: Calm Restless Shaking Tremor Pacing Other: _____MEDICATIONS (As Reported): N/A Compliant Non-Compliant Other: _____SIDE EFFECTS FROM MEDICATIONS: N/A No Yes, Describe: DUPLICATED BY P&D AND CANNOT BE WRITTENCLIENT TAKES NON-CENTER MEDICATIONS: No Yes (If Yes, See Non Center Prescribed Medication Sheet)

COMMENTS: Mr. Edwards arrived on time for his appt. Appt flat and very low mood. He had mild depression and poor sleeping

GOALS ADDRESSED/RATINGS: Didnt have any clusing sessions
 INTERVENTION(S): Discussed daily activities, suggested walking for exercise, drinking water and chit
 OUTCOME: CURRENT GAF SCORE(Optional) N/A

PLANS: Continue appt w/ therapist

Frank Edwards Frank Edwards
Therapist

MONTGOMERY AREA MENTAL HEALTH AUTHORITY
Physician's Service Report

me MR Frank Rauway

te 3/15/01

vice: Physician Medical Assessment and Treatment

Identification and Diagnosis: Mcne Peter MUS

Cerney D'Add
Carrie M

Case No. 66465

Time :23

Mental Health Consultation

Client's Primary Concerns/Problems:

"I know how they view" "I feel scared
 "They view talk - So Do they - few
 few hours - So set up to Woods"
 "I try not to do this
 "I not us, any place - Not only any place - No office
 "I know how not do my desire"

Medication and Response/Side Effects:

Meds = Imip, Thyrox Depak

Brief Mental Status:

(1) M - P - dials few talk about spouse
 (2) M - P - dials few about about
 few - W talk about W talk talk
 (3) M - P - dials few about
 (4) M - P - dials few about
 (5) M - P - dials few about

Comments:

Cir Mcne

THIS IS CONFIDENTIAL INFORMATION PRO-
 TECTED BY FEDERAL LAW AND CANNOT BE
 DUPLICATED OR DISCLOSED WITHOUT THE
 WRITTEN CONSENT OF THE PATIENT

Recommendations:

Let out (Mcne)

Next Visit: Dot = May 17, 2001

Physician's Signature: R. Rauway

12/12/97

Physician's Service Report

MONTGOMERY AREA MENTAL HEALTH AUTHORITY
PROGRESS NOTE

Case Number	Client Name (Please print)			Date (MM/DD/YY)				
066469	Frank Edwards			02/15/01				
Staff ID #	Staff Time	Client Time	Reporting Unit	Place of Svc	Activity Code 1	Activity Code 2	Modifier	# in Grp
310493	11:15	1502115	101520					

SERVICES PROVIDED:

<input checked="" type="checkbox"/> Individual Therapy	<input type="checkbox"/> Group Therapy	<input type="checkbox"/> Family Therapy	<input type="checkbox"/> Med. Monitoring
<input checked="" type="checkbox"/> Medication Administration	<input type="checkbox"/> MH Consultation	<input type="checkbox"/> MD Assessment & Tx.	<input type="checkbox"/> Crisis Intervention
<input checked="" type="checkbox"/> Basic Living Skills, Indiv.	<input type="checkbox"/> Basic Living Skills, Grp.	<input type="checkbox"/> Family Support, Indiv.	<input type="checkbox"/> Family Support, Grp.
<input checked="" type="checkbox"/> In-Home Intervention	<input type="checkbox"/> Prehospitalization Screening	<input type="checkbox"/> Other Phone/Contact	<input type="checkbox"/> Diagnostic Testing
<input checked="" type="checkbox"/> Case Management	<input type="checkbox"/> Other	<input type="checkbox"/> Other:	<input type="checkbox"/> Other:

NEXT APPOINTMENT (Circle): None M T W Th F DATE: 3/15 TIME: 3:30 PAY STATUS: U

1st Copy: Accounting Office 2nd Copy: Consumer 3rd Copy: Client Record VISIT NUMBER: 230 Marrison

MENTAL STATUS: (Check Where Applicable) MENTAL STATUS NOT ASSESSED

APPEARANCE/GROOMING: Appropriate Inappropriate Other:

AFFECT: Appropriate Inappropriate Other: flat

MOOD: Euthymic Anxious Dysphoric Expansive Irritable Other:

THOUGHT OR PERCEPTUAL DISTURBANCES: None Hallucinations Delusions Suicidal Homicidal Paranoid Other:

SLEEP: Good Fair Poor Insomnia Nightmares Hypersomnia Other:

APPETITE: Good Fair Poor Anorexia Bulimia Comment:

ORIENTATION: Normal DEFICITS: Person Place Time Situation Other:

MOTOR ACTIVITY: Calm Restless Shaking/Tremor Tics Pacing Other:

MEDICATIONS (As Reported): N/A Compliant Non-Compliant Other:

SIDE EFFECTS FROM MEDICATIONS: N/A No Yes, Describe DUPLICATED WITHOUT THE WRITTEN CLIENT

CLIENT TAKES NON-CENTER MEDICATIONS: No Yes (If Yes, See Non Center Prescribed Medication Sheet)

COMMENTS: Mr. Edwards presented flat, but stable.
He understood and followed well, always dressed
despite feel unwell. However in the
waiting room his talking and going around
goals addressed/ ratings: Didn't think about clinical session.

INTERVENTION(S): Discussed Dx and Rx, daily activities
and medications.

OUTCOME: CURRENT GAF SCORE(Optional) 7/10

PLANS: Continue Rx w/ dr & therapist

Marion Marrison, MA Therapist

MONTGOMERY AREA MENTAL HEALTH AUTHORITY
Physician's Service Report

Time Mr. Frank Rooney

Case No. 66 465

Date 2/15/01

Time 0:2

Service: Physician Medical Assessment and Treatment

Mental Health Consultation

Identification and Diagnosis: Meen Neshu

OCAR Show
Carlu - Muu

Client's Primary Concerns/Problems:

Not Pay Meek - Stay at Home - Clean

Take Yano,

Not Use my Case, Not Pay

Now Since Tobacco.

Buy into Days & Few Month -

Not DATE - "I CAN'T READ"

"I CAN USE MY NAME"

Medication and Response/Side Effects:

Med - Risper, Trypt, Depak

Brief Mental Status:

MS & pr - akey jaw & jaw Jabs + hot Cream felt at

Spw to apd Not NO DPs

Med - weekly Not fine

Not - No full ido No dels id

Go is comto.

Risper + Hcay a VOICE

Spt - id

Comments:

Dr. Cal Meds

THIS IS CONFIDENTIAL INFORMATION PRO-
 TECTED BY FEDERAL LAW AND CANNOT BE
 DUPLICATED OR DISCLOSED WITHOUT THE
 WRITTEN CONSENT OF THE CLIENT

Recommendations:

No Drive No Cocaine

Next Visit:

04/15/2001

Al Gobbi

Physician's Signature:

Physician's Service Report

MONTGOMERY AREA MENTAL HEALTH AUTHORITY
PROGRESS NOTE

Case Number	Client Name (Please print)				Date (MM/DD/YY)			
01646465	FRANK EDWARDS				01/11/81 01/			
Staff ID #	Staff Time	Client Time	Reporting Unit	Place of Svc	Activity Code 1	Activity Code 2	Modifier	# in Grp
3645	111	1150	2115	10	1500	111	111	111

SERVICES PROVIDED:

<input checked="" type="checkbox"/> Individual Therapy	<input type="checkbox"/> Group Therapy	<input type="checkbox"/> Family Therapy	<input type="checkbox"/> Med. Monitoring
<input type="checkbox"/> Medication Administration	<input type="checkbox"/> MH Consultation	<input type="checkbox"/> MD Assessment & Tx.	<input type="checkbox"/> Crisis Intervention
<input type="checkbox"/> Basic Living Skills, Indiv.	<input type="checkbox"/> Basic Living Skills, Grp.	<input type="checkbox"/> Family Support, Indiv.	<input type="checkbox"/> Family Support, Grp.
<input type="checkbox"/> In-Home Intervention	<input type="checkbox"/> Prehospitalization Screening	<input type="checkbox"/> Other Phone/Contact	<input type="checkbox"/> Diagnostic Testing
<input type="checkbox"/> Case Management	<input type="checkbox"/> Other	<input type="checkbox"/> Other:	<input type="checkbox"/> Other:

NEXT APPOINTMENT (Circle): None M T W Th F DATE: Feb 19 TIME: 3:00pm PAY STATUS: 011

Top Copy: Accounting Office

2nd Copy: Consumer3rd Copy: Client RecordVISIT NUMBER: 2MENTAL STATUS: (Check Where Applicable) MENTAL STATUS NOT ASSESSEDAPPEARANCE/GROOMING: Appropriate Inappropriate Other: _____AFFECT: Appropriate Inappropriate Other: _____MOOD: Euthymic Anxious Dysphoric Expansive Irritable Other: _____THOUGHT OR PERCEPTUAL DISTURBANCES: None Hallucinations Delusions Suicidal Homicidal Paranoid Other: _____SLEEP: Good Fair Poor Insomnia Nightmares Hypersomnia Other: _____APPETITE: Good Fair Poor Anorexia Bulimia Comment: _____ORIENTATION: Normal DEFICITS: Person Place Time Situation Other: _____MOTOR ACTIVITY: Calm Restless Shaking/Tremor Tics Racing Other: _____MEDICATIONS (As Reported): N/A Compliant Non-Compliant Other: DUPLICATED WITHOUT THESIDE EFFECTS FROM MEDICATIONS: N/A No Yes, Describe WRITTEN TO THE CLIENT**THIS IS CONFIDENTIAL INFORMATION PRO-****TECTED BY FEDERAL LAW AND CANNOT BE****DUPLICATED****WITHOUT THE****CLIENT**CLIENT TAKES NON-CENTER MEDICATIONS: No Yes (If Yes, See Non Center Prescribed Medication Sheet)

COMMENTS: Mr. Edwards was much improved from last visit. He was more responsive and engaged, his affect was brighter and upbeat.

GOALS ADDRESSED/ RATINGS: Didnt have short drama session.

INTERVENTION(S): Examined his mental status and discussed daily activities.

OUTCOME: CURRENT GAF SCORE(Optional) 71/71PLANS: Continue Tx w/ therapistR. Edwards, Therapist

MONTGOMERY AREA MENTAL HEALTH AUTHORITY
Physician's Service Report

Name Mr. Bruce E. Burton

Case No. 66465

Date 1/18/01

Time :5

Service: Physician Medical Assessment and Treatment

Mental Health Consultation

1) Identification and Diagnosis:

Morel Psychosis

P/c Schizop. Ps

Cew DBD

Comh Atm

2) Client's Primary Concerns/Problems:

"May To Persuasion" - Freq - Fugly PD

Few - Coule of time - F Shakes -

Day - Cognit. Decline

Ug u on Dose - 111840, - Shw he is Meth

111840 - Shw he is Meth

111840 - Shw he is Meth

3) Medication and Response/Side Effects:

Med. Paral 30g + HS, Tizyan, Prosub A

P/c Celsus

4) Brief Mental Status:

Mr. Mpp - Clew Cew fay ad

Spw no ap) Not in PB

Phu - whiff Pmp fia

Qut - No sub ido to dits

I dun - has diff to ur Staff

(Xg - hcey Voice)

Spw - hcey just faw

5) Comments:

P/c Celsus

THIS IS CONFIDENTIAL INFORMATION PRO-

100% (Med)

TECILED BY FEDERAL LAW AND CANNOT BE

DUPPLICATED

6) Recommendations:

Q7w Feb 15, 2001

(R.E.W.)

7) Next Visit:

Physician's Signature:

Physician's Service Report

MONTGOMERY AREA MENTAL HEALTH AUTHORITY
PROGRESS NOTE

Case Number	Client Name (Please print)			Date (MM/DD/YY)				
01 644463	FRANK EDWARDS			11/21/2001				
Staff ID #	Staff Time	Client Time	Reporting Unit	Place of Svc	Activity Code 1	Activity Code 2	Modifier	# in Grp
3045	11:15	502115110	1590					

SERVICES PROVIDED:

<input type="checkbox"/> Individual Therapy	<input type="checkbox"/> Group Therapy	<input type="checkbox"/> Family Therapy	<input type="checkbox"/> Med. Monitoring
<input type="checkbox"/> Medication Administration	<input type="checkbox"/> MH Consultation	<input type="checkbox"/> MD Assessment & Tx.	<input type="checkbox"/> Crisis Intervention
<input type="checkbox"/> Basic Living Skills, Indiv.	<input type="checkbox"/> Basic Living Skills, Grp.	<input type="checkbox"/> Family Support, Indiv.	<input type="checkbox"/> Family Support, Grp.
<input type="checkbox"/> In-Home Intervention	<input type="checkbox"/> Prehospitalization Screening	<input type="checkbox"/> Other Phone/Contact	<input type="checkbox"/> Diagnostic Testing
<input type="checkbox"/> Case Management	<input type="checkbox"/> Other	<input type="checkbox"/> Other:	<input type="checkbox"/> Other:

NEXT APPOINTMENT (Circle): None M T W Th F DATE: JAN 10 TIME: 9AM PAY STATUS: _____

Top Copy: Accounting Office

2nd Copy: Consumer

3rd Copy: Client Record

VISIT NUMBER: _____

MENTAL STATUS: (Check Where Applicable) MENTAL STATUS NOT ASSESSED

APPEARANCE/GROOMING: Appropriate Inappropriate Other: _____

AFFECT: Appropriate Inappropriate Other: _____

MOOD: Euthymic Anxious Dysphoric Expansive Irritable Other: _____

THOUGHT OR PERCEPTUAL DISTURBANCES: None Hallucinations Delusions Suicidal Homicidal Paranoid Other: _____

SLEEP: Good Fair Poor Insomnia Nightmares Hypersomnia Other: _____

APPETITE: Good Fair Poor Anorexia Bulimia Comment: _____

ORIENTATION: Normal DEFICITS: Person Place Time Situation Other: _____

MOTOR ACTIVITY: Calm Restless Shaking/Tremor Pacing Other: _____

MEDICATIONS (As Reported): N/A Compliant Non-Compliant Other: _____

SIDE EFFECTS FROM MEDICATIONS: N/A DUNICATE Yes, Describe: _____

CONFIDENTIAL INFORMATION PROTECTED BY LAW AND CANNOT BE

WRITTEN ON THIS FORM

CLIENT TAKES NON-CENTER MEDICATIONS: No Yes (If Yes, See Non Center Prescribed Medication Sheet)

COMMENTS: Mr. Edwards presented himself unresponsive and stoic. Mr. Edwards didn't want to talk and demonstrate that by not responding to questions by therapist

GOALS ADDRESSED/ RATINGS: Didn't have chart during session

INTERVENTION(S): Initial communication w/ Mr. Edwards but was unsuccessful.

OUTCOME: CURRENT GAF SCORE(Optional) 5/10

PLANS: Reschedule w/ Therapist

12/10/2001 12 mos Therapist

MONTGOMERY AREA MENTAL HEALTH AUTHORITY
Physician's Service Report

Name Edwards, Frank

Date 12/29/00

Service: Physician Medical Assessment and Treatment

Case No. 66465

Time 25

Mental Health Consultation

Identification and Diagnosis: 36 yo BM = Psychosis NOS
Substance abuse

Client's Primary Concerns/Problems:

C/P having a man next to him talking to him.
Claims to have abstained for 3-4 months

Living in Montgomery = wife + children until he finds
a place of his own. Applying for disability.

6) Medication and Response/Side Effects:

Risperidol 3 mg + daily *

Celixor 20 it daily *

Therazone 100 it 05 *

Depakote 500 + daily *

5) Brief Mental Status:

* His report

Alert

Thought halting

Appet. Blunted

Denies destructive intent

THIS IS CONFIDENTIAL INFORMATION PROTECTED BY FEDERAL LAW AND CANNOT BE DUPLICATED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF THE PATIENT

6) Comments: Consolidate information

5) Recommendations: R as #3 x 30d

7) Next Visit: 1 mo

Physician's Signature:

AW Johnson

Physician's Service Report

Take/Diagnostic Assessment - Page 2 of 6

Case No: Celofiles

SYMPTOMS/ASSISTANCE DESIRED:

Presenting complaint(s): Client reports experiencing the following that led to seeking help:

Schizophrenia: Delusions Hallucinations Disorganized speech Catatonia Suspiciousness/paranoia
 Ideas of reference Affective flattening Avolition Ideas of reference Loose associations
 Content of hallucinations: Psychotic symptoms in past

Depression: Depressed mood Sadness Tearfulness Hopelessness Diminished interest/pleasure
 Decreased appetite Weight loss/gain Insomnia Hypersomnia Fatigue Loss of energy
 Agitation Psychomotor retardation Worthlessness Guilt Decreased concentration
 Decreased ability to think Thoughts of death Suicidal ideation Depressive symptoms in past

Mania: Elevated/expansive mood Irritable mood Hyperactivity Grandiosity Inflated self-esteem
 Decreased need for sleep Pressured speech Psychomotor agitation Distractibility
 Manic symptoms in the past

Anxiety: Palpitations/pounding heart/increased heart rate Sweating Trembling/shaking "Nerves"
 Feeling of choking Chest pain Nausea Dizziness/faintness Feelings of unreality/detachment
 Numbness Chills Hyperventilation Acute onset panic attacks Fears/Phobias
 Obsessions Compulsions Anxiety symptoms in the past

ther:

Duration of symptoms 6 1/2 years/months/days Frequency of symptoms on-going
 Reason(s) for seeking help at this time Chest relocated back to Port
from Fellowship House in Bhan nude continue after care
 assistance desired counseling / nude - support

THIS IS CONFIDENTIAL INFORMATION PROTECTED BY FEDERAL LAW AND CANNOT BE DUPLICATED OR SHOWN WITHOUT THE WRITTEN CONSENT OF THE CLIENT

PERSONAL/FAMILY HISTORY:

Pregnancy with client: Normal Problems: DUPLICATED OR SHOWN WITHOUT THE WRITTEN CONSENT OF THE CLIENT
 Birth: Full term Premature

Developmental milestones: Normal Problems: noneNumber of brothers 6 ^{1 deceased} Ages unknown Number of sisters 5 Ages unknownBirth order: 6 of 12 siblings Parents together: Y N If separated, how longMonthly contacts with non-custody parent: None 1 2 3 4 5 6 7 8 More than 8Relationships with family members during child/adolescent years: Normal, N.B. byRevolvingCared primarily by: Mother Current family relationships good

Case/Diagnostic Assessment - Page 3 of 6

Case No: 60465

Occupation: Homemaker Father's occupation: Unknown
 History of abuse: physical sexual emotional Abused by _____ When _____
 Parents' drug/alcohol abuse: Y Who: _____ Type(s) _____
 Dating/marital history: Number of marriages/long term relationships 1-marriage
 Length of current relationship N/A Age of current spouse/significant other N/A
 Current relationship: Supportive Fulfilling Conflicted Alienated Controlling Abusive
 Reason(s) for marital breakup(s) if any 1st wife grew apart
 Children: Number of boys 3 Ages 7, 12, 14 Number of girls 3 Ages 7, 17 & 19
 Religious preference Baptist Monthly church attendance: None 1 2 3 4+
 Leisure/recreational activities: None sports cultural social reading arts/crafts other
 Friends: None many Monthly social activities with friends: None 1 2 3 4+
 Family history of mental illness N Type Schizophrenia Suicide Y N
 What family member(s): (1) Uncle (maternal) (2) _____ (3) _____
 Hospitalizations Blythe Taylor Hospital Helpful treatment(s) _____
 Other information about family history: _____
 _____ N/A _____

EDUCATIONAL HISTORY:

Currently enrolled: No Full Part School & course of study Bethel High School
 Completed: 0 to 5 6 to 9 10 to 11 High school GED College degree Advanced degree
 Years business/tech school _____ Years college _____ Other _____
 Dropped out Yes No Reason out of no reason Year graduated _____
 School problems: None difficulty learning Usual grades: A B C D F
 Educational goals: None None THIS IS CONFIDENTIAL INFORMATION PROTECTED BY FEDERAL LAW AND CANNOT BE DUPLICATED OR SHARED WITHOUT THE WRITTEN PERMISSION OF THE PATIENT

EMPLOYMENT/VOCATIONAL HISTORY:

Employment status: None Full Part Type of employment Homemaker
 First employment: None Full Part Total years employed full or part time _____
 Type(s) of past employment 1/00
 Reason(s) not employed psychosis
 Current vocational goals: None
 Disability Benefits: None Applied Received Pending No. years received N/A
 Reason for Benefits: mental problems

Lake/Diagnostic Ass. Document - Page 4 of 6

Case No: C-07-171

MILITARY SERVICE HISTORY:

Currently: None Active duty Retired Nat'l Guard Branch _____ Rank achieved _____
 Discharge: Date N/A Type: Honorable Dishonorable Disability _____

CRIMINAL HISTORY:

1st arrests/convictions/time served Various Yes of Possession of Drugs
 Pending charges N/A Court date(s) N/A

MEDICAL BACKGROUND:

PSYCHOLOGICAL/PSYCHIATRIC TREATMENT HISTORY:

Type and duration of psychological/psychiatric problems: _____

Patient treatment: Number of psychiatric hospitalizations: None 1 2 3 4 5 6+ _____

1st hospitalization: Date 1980's Location/hospital name BryceSymptoms/reason for hospitalization Psychosis, Substance Abuse

Last recent hospitalization: Date _____ Location/hospital name _____

Symptoms/reason(s) for hospitalization: _____

Treatment(s): Medications individual/group therapy other: _____

Other psychiatric hospitalizations:

Date(s)	Name/location of hospital	Treatment(s)
<u>N/A</u>		

THIS IS CONFIDENTIAL INFORMATION PROTECTED BY FEDERAL LAW AND CANNOT BE

Outpatient: Currently in treatment DUPLICATE Years psychiatric outpatient treatment WITHOUT THEYear seen N/A By whom N/A Reason N/A Treatment N/ATypes of medication taken: Antipsychotic Antidepressant Mood stabilizers Anti-anxiety Other _____Names, amount and dosages of medications: Risperdal, Seroquel Unknown

Medications that have helped: (Names, amount, dosages) _____

Information about past/current treatment: N/A

Intake/Diagnostic Ass. Document - Page 5 of 6

Case No: *61885***ALCOHOL/DRUG USE HISTORY:**

Currently uses tobacco: N Kind: Cigarettes Cigars Chewing Snuff Other _____
 Amount per day _____ Past use _____

Currently uses alcohol: N Kind: Wine Beer Hard Liquor Other _____
 Amount per day _____ Past use *3 mos ago* _____

Currently uses drugs: N Kind(s): Sedatives/hypnotics Amphetamines Opioids PCP
 Cocaine Hallucinogens Marijuana Other _____
 Amount per day *Unknown* Past use *3 mos ago* _____

Does client think he/she has a problem with alcohol or drugs? Yes No
 Has the client ever felt the need to cut down on alcohol or drug use? Yes No
 Has the client ever been annoyed by others telling him/her to cut down on use? Yes No
 Does the client ever feel guilty about alcohol or drug use? Yes No
 Does the client sometimes need an "eye-opener" (alcohol in the morning)? Yes No

MENTAL STATUS EXAMINATION:

Appearance: *Neat clean* disheveled malodorous Makeup: N Inappropriate _____
 Attire: *Casual/leisure* business/dressy unusual/bizarre appropriate to season other _____
 Demeanor: *Cooperative* engagable hostile distant guarded seductive other _____
 Orientation: Person place time situation Comments: *X4* _____
 Speech: *Normal rate*, rhythm, latency slowed rapid slurred pressured mute disorder _____
 Motor: *Normal* slowed agitated posturing rituals compulsions/tics Other _____
 Perceptual: *Normal* distortions _____ hallucinations _____
 Mood: Euthymic *dysthymic* euphoric unclear other: _____
 Affect: Full range congruent to content *flat/blunted* constricted tearful angry anxious
 sad frightened labile inappropriate: _____ other: _____
 Thought processes: *Normal* loose associations flight of ideas circumstantial tangential
 concrete abstract goal directed other: _____

Thought content: Suicide: ideation intent plan *none* Homicide: ideation intent plan *none*
 obsessions phobias ideas of reference no disturbance of thought delusions
 THIS IS CONFIDENTIAL INFORMATION PRO-
 TECTED BY FEDERAL LAW AND CANNOT BE
 DUPLICATED OR SHARED WITHOUT THE
 WRITTEN CONSENT OF THE CLIENT

Cognitive functioning: Normal concentration intact/impaired judgment intact/impaired
 insight intact/impaired decision making intact/impaired

Recent memory: excellent good *fair* poor Remote memory: excellent good *fair* poor

Intelligence estimate: Bright average *dull* retardation: mild moderate severe
 How estimated: general knowledge, serial sevens, highest grade completed, other: _____

Other findings: *N/A*

Intake/Diagnostic Assessment - Page 6 of 6

Case No: 64465

INITIAL TREATMENT PLAN:

 No further treatment at this time See Case Staffing/Treatment Plan

Assigned to program

205

Assigned to therapist

Karen Johnson

Appointments scheduled:

Date

Time

With whom

12/29/00

9:30

Karen Johnson

10:15

Dr DeMille

10:45

Janice Cowan

Comments:

(E) I NO The Center's policies regarding internal access to records and clinical supervision were explained to the client. **THIS IS CONFIDENTIAL INFORMATION PROTECTED BY FEDERAL LAW AND CANNOT BE DUPLICATED OR SHARED WITHOUT THE CONSENT OF THE CENTER.**

(E) I NO Consents for release of information signed for other agencies/persons.

Maren Johnson
Evaluator signature

Solange Therapist
Evaluator title

12-21-00
Date

Mr. Brian D. Miller
Supervisor signature

ONDP
Supervisor title

12-21-00
Date

27BD, CLOSED, EL

U.S. District Court
Alabama Middle District (Montgomery)
CRIMINAL DOCKET FOR CASE #: 2:04-cr-00008-MEF-VPM-ALL
Internal Use Only

2:07-CV-171-MEF

Case title: USA v. Edwards

Date Filed: 01/21/2004

Assigned to: Hon. Chief Judge Mark E.
Fuller

Referred to: Honorable Vanzetta P.
McPherson

Defendant**Frank James Edwards (1)**

TERMINATED: 09/14/2004

represented by **Federal Defender**
Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 1960
Montgomery, AL 36104
334-834-2099
Fax: 834-0353
Email: ECFCMALM@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Christine A. Freeman

Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 1960
Montgomery, AL 36104
334-834-2099
Fax: 834-0353
Email: christine_freeman@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Leslie Susanne Smith

Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 1960

SCANNED

Montgomery, AL 36104
334-834-2099
Fax: 334-834-0353
Email: leslie_smith@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

18:2113(a)(d) BANK ROBBERY BY FORCE OR VIOLENCE - NMT \$1,000,000; [*]; NMT 25YR; B; NMT 5YR SUP REL; G/L; VWPA; \$100 SA (1)

18:924(c)(1)(A) VIOLENT CRIME/DRUGS/MACHINE GUN - NMT \$250,000; [*]; NLT 7YR (upon 2nd conviction) B; NLT 25YR CONSEC; NMT 3YR SUP REL (upon 2nd conviction); NMT 5YR SUP REL; G/L; VWPA; \$100 SA (2)

18:2113(a)(d) BANK ROBBERY BY FORCE OR VIOLENCE - NMT \$1,000,000; [*]; NMT 25YR; B; NMT 5YR SUP REL; G/L; VWPA; \$100 SA (4)

18:924(c)(1)(A) VIOLENT CRIME/DRUGS/MACHINE GUN - NMT \$250,000; [*]; NLT 7Y (upon 2nd conviction); B; NLT 25Y CONSEC; NMT 3Y SUP REL (upon 2nd conviction); NMT 5Y SUP REL; G/L; VWPA; \$100 SA (5)

Highest Offense Level (Opening)

Felony

Terminated Counts

18:922(g)(1) UNLAWFUL TRANSPORT OF FIREARMS - NMT \$250,000; [*]; NMT 10YR; B; NMT

Disposition

57 MOS IMP TO BE SERVED CONC. WITH CT. 4; 5 YS SUP REL TO BE SERVED CONC. TO CTS. 2,4 & 5; \$400 SA; \$19,758.57 RESTIT.

84 MOS TO BE SERVED CONSEC TO EACH OTHER & CTS. 1 & 4; 5 YS SUP REL TO BE SERVED CONC. TO CTS. 1,4 & 5; \$400 SA; \$19,758.57 RESTIT.

57 MOS IMP TO BE SERVED CONC. WITH CT. 1; 5 YS SUP REL TO BE SERVED CONC. TO CTS. 1, 2 & 5; \$400 SA; \$19,758.57 RESTIT.

135 MOS IMP TO BE SERVED CONSEC. TO EACH OTHER & CTS. 1&4; 5 YS SUP REL TO BE SERVED CONC. TO CTS. 1,2 & 4; \$400 SA; \$19,758.57 RESTIT.

Disposition

DISMISSED BY MOTION OF THE UNITED STATES

3YR SUP REL; G/L; VWPA; \$100 SA
(3)

18:922(g)(1) UNLAWFUL
TRANSPORT OF FIREARMS - NMT
\$250,000; [*]; NMT 10YR; B; NMT
3YR SUP REL; G/L; VWPA; \$100 SA
(6)

DISMISSED BY MOTION OF THE
UNITED STATES

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

United States of America

represented by **John T. Harmon**
U.S. Attorneys Office
PO Box 197
Montgomery, AL 36101-0197
334-223-7280
Fax: 334-223-7560
Email: john.harmon@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tommie Brown Hardwick
U.S. Attorney's Office
PO Box 197
Montgomery, AL 36101-0197
334-223-7280
Fax: 334-223-7135
Email: tommie.hardwick@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/15/2004	1	COMPLAINT as to Frank James Edwards [2:04-m -3] (ws) (Entered: 01/15/2004)
01/15/2004		**Added party US Marshals Service, Montgomery U.S. Probation, U.S. Pretrial, USA Financial Unit [2:04-m -3] (ws) (Entered: 01/15/2004)

01/15/2004	2	Arrest WARRANT issued as to Frank James Edwards [2:04-m -3] (ws) (Entered: 01/15/2004)
01/15/2004		**Added Government Attorney Tommie Brown Hardwick as to Frank James Edwards [2:04-m -3] (ws) (Entered: 01/15/2004)
01/15/2004	3	CJA 23 FINANCIAL AFFIDAVIT by Frank James Edwards [2:04-m -3] (ws) (Entered: 01/15/2004)
01/15/2004		ORAL ORDER as to Frank James Edwards , Appointing Federal Public Defender (Entered by Mag. Judge Charles S. Coody) [2:04-m -3] (ws) (Entered: 01/15/2004)
01/15/2004		**Added for Frank James Edwards Attorney Federal Defender [2:04-m -3] (ws) (Entered: 01/15/2004)
01/15/2004	4	MOTION by USA as to Frank James Edwards for Detention Hearing [4-1] referred to Mag. Judge Charles S. Coody [2:04-m -3] (ws) (Entered: 01/15/2004)
01/15/2004		**Added ip party Frank James Edwards [2:04-m -3] (ws) (Entered: 01/15/2004)
01/15/2004	5	Courtroom Deputy's Minutes as to Frank James Edwards : Initial Appearance (3:03 - 3:10) [2:04-m -3] (ws) (Entered: 01/15/2004)
01/15/2004	6	ORDER as to Frank James Edwards Appointing Federal Public Defender to represent the defendant for all further proceeding; (Signed by Mag. Judge Charles S. Coody) Copies mailed to: Deft, Copies furnished to: USA, USM, USPOM, USPTS, FD, WS [2:04-m -3] (ws) (Entered: 01/15/2004)
01/15/2004		ARREST of Frank James Edwards [2:04-m -3] (ws) (Entered: 01/15/2004)
01/15/2004		Initial appearance as to Frank James Edwards held before Mag. Judge Charles S. Coody on 1/15/04 ; Preliminary and Detention Hearing set for 9:00 1/21/04 for Frank James Edwards at U.S. Courthouse before Magistrate Judge Coody (Defendant informed of rights.) [2:04-m -3] (ws) (Entered: 01/15/2004)
01/20/2004	7	ORDER of Temporary Detention as to Frank James Edwards Detention Hearing set for 9:00 1/21/04 for Frank James Edwards at U.S. Courthouse (Signed by Mag. Judge Charles S. Coody) Copies mailed to: Deft, Copies furnished to: USA, USM, USPO, USPTS, FD, WS, YG, HC [2:04-m -3] (ws) (Entered: 01/20/2004)
01/20/2004		Deadline updated as to Frank James Edwards, Setting Detention Hearing for 9:00 1/21/04 for Frank James Edwards before Mag. Judge Charles S. Coody in Courtroom 4B [2:04-m -3] (ws) (Entered: 01/20/2004)
01/21/2004	8	Waiver of Preliminary Examination and Detention Hearing by Frank James Edwards [2:04-m -3] (ws) (Entered: 01/21/2004)

01/21/2004		**Terminated deadlines as to Frank James Edwards [2:04-m -3] (ws) (Entered: 01/21/2004)
01/21/2004	9	Courtroom Deputy's Minutes as to Frank James Edwards : Preliminary/Detention hearing not held as to the defendant's waiver of preliminary and detention hearing (9:54 - 9:57) [2:04-m -3] (ws) (Entered: 01/21/2004)
01/21/2004	10	ORDER as to Frank James Edwards that the defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal (Signed by Mag. Judge Charles S. Coody) Copies mailed to: Deft, Copies furnished to: USA, USM, USPO, USPTS, FD, WS [2:04-m -3] (ws) (Entered: 01/21/2004)
01/21/2004	12	INDICTMENT as to Frank James Edwards (1) count(s) 1, 2, 3, 4, 5, 6 (ws) (Entered: 01/22/2004)
01/21/2004		**Added Government Attorney Tommie Brown Hardwick, John T. Harmon as to Frank James Edwards (ws) (Entered: 01/22/2004)
01/21/2004		**Added party US Marshals Service, Montgomery U.S. Probation, U.S. Pretrial, USA Financial Unit (ws) (Entered: 01/22/2004)
01/21/2004		**Added ip party Frank James Edwards - c/o Montg. City Jail, P.O, Drawer 159, Montg., AL (ws) (Entered: 01/22/2004)
01/21/2004		Magistrate Judge Vanzetta P. McPherson assigned to case for discovery matters as well as matters subsequently referred by District Judge . (ws) (Entered: 01/22/2004)
01/21/2004		(ws) (Entered: 01/22/2004)
01/21/2004		**Terminated document(s) as to Frank James Edwards : terminating [4-1] motion for Detention Hearing as to Frank James Edwards (1) (ekl) (Entered: 02/19/2004)
01/22/2004	11	Arrest WARRANT Returned Executed as to Frank James Edwards on 1/14/04 [2:04-m -3] (ws) (Entered: 01/22/2004)
01/22/2004	13	ORDER as to Frank James Edwards Setting Arraignment for 10:00 2/4/04 for Frank James Edwards for U.S. Courthouse before Mag Judge Vanzetta P. McPherson in Courtroom 5A (Signed by Mag Judge Vanzetta P. McPherson) , Copies furnished to: USA, USM, USPO, USPTS, FD, EL, DK, YG, HC (ws) (Entered: 01/22/2004)
01/30/2004	14	EX PARTE APPLICATION (MOTION) by Frank James Edwards IFP for Order Requiring Subpoenas Duces Tecum to be Issued [14-1], and to Seal Application and Order referred to Mag Judge Vanzetta P. McPherson, [14-2] (ws) (Entered: 02/02/2004)

02/03/2004	<u>15</u>	ORDER as to Frank James Edwards granting [14-1] motion IFP for Order Requiring Subpoenas Duces Tecum to be Issued as to Frank James Edwards (1), granting [14-2] motion to Seal Application and Order as to Frank James Edwards (1) (Signed by Mag Judge Vanzetta P. McPherson) , Copies furnished to: USM,FD (with subpoena) APPLICATION AND ORDER PLACED UNDER SEAL. (ekl) (Entered: 02/03/2004)
02/04/2004	<u>16</u>	MOTION by USA as to Frank James Edwards to Modify the Standing Order on Criminal Discovery (and Extend Deadline to 3/12/04) [16-1] referred to Mag Judge Vanzetta P. McPherson (ekl) (Entered: 02/04/2004)
02/04/2004		ARRAIGNMENT as to Frank James Edwards held before Mag Judge Vanzetta P. McPherson on 2/4/04 Defendant(s) appeared with counsel and after having been advised of Defendant(s') rights, entered a plea of Not Guilty. (FTR: 10:46-11:00) (dmk) (Entered: 02/04/2004)
02/04/2004		PLEA of Not Guilty: Frank James Edwards (1) count(s) 1, 2, 3, 4, 5, 6 ; Court accepts plea. (dmk) (Entered: 02/04/2004)
02/04/2004	<u>17</u>	Courtroom Deputy's Minutes as to Frank James Edwards : Arraignment held before Mag. Judge McPherson (FTR: 10:46-11:00) (dmk) (Entered: 02/04/2004)
02/05/2004	<u>18</u>	ORDER ON ARRAIGNMENT as to Frank James Edwards directing that the Probation Officer shall provide guideline calculation as set out in order; that Discovery is due on or before 2/4/04 by USA and 2/6/04 for Frank James Edwards Pretrial Motions to Compel due by 2/24/04 for Frank James Edwards ; Pretrial set 10:00 2/26/04 for Frank James Edwards in Courtroom 5A before Mag Judge Vanzetta P. McPherson Jury Trial set 3/22/04 for Frank James Edwards in U.S. Courthouse before Unassigned Judge and government response to pretrial motions due 5 days prior to date of hearing and if no hearing, 10 days from date of pretrial conference Voir dire questions and jury instructions are due one week before jury selection. (Signed by Mag Judge Vanzetta P. McPherson) Copies mailed to: deft, Copies furnished to: USA,USM,USPTS,USPO,FD,WR,YG,HC (ekl) (Entered: 02/05/2004)
02/05/2004		Deadline updated as to Frank James Edwards, set voir dire questions due on 3/15/04 for Frank James Edwards , set proposed jury instructions due on 3/15/04 for Frank James Edwards (see order on arraignment,doc.18) (ekl) (Entered: 02/05/2004)
02/06/2004	<u>19</u>	ORDER as to Frank James Edwards granting [16-1] motion to Modify the Standing Order on Criminal Discovery (and Extend Deadline to 3/12/04) [construed by the court as a motion to modify the arraignment order as well] as to Frank James Edwards (1) resetting Discovery deadline to for 3/12/04 for Frank James Edwards (Signed by Mag Judge Vanzetta P. McPherson) Copies mailed to: deft, Copies furnished to: USA,USM,USPTS,USPO,FD (ekl) (Entered: 02/06/2004)

02/10/2004	20	EX PARTE APPLICATION IFP by Frank James Edwards for Subpoena Duces Tecum , and to Seal [20-1] referred to Mag Judge Vanzetta P. McPherson, [20-2] referred to Mag Judge Vanzetta P. McPherson (ekl) (Entered: 02/11/2004)
02/12/2004	21	ORDER as to Frank James Edwards granting [20-1] motion for Subpoena Duces Tecum as to Frank James Edwards (1), granting [20-2] motion to Seal as to Frank James Edwards (1) (Signed by Mag Judge Vanzetta P. McPherson) , Copies furnished to: USM,FD (with subpoena) (ekl) (Entered: 02/12/2004)
02/24/2004	22	NOTICE of Appearance for Frank James Edwards by Attorney Leslie S. Smith (ekl) (Entered: 02/25/2004)
02/25/2004	25	NOTICE of Appearance for Frank James Edwards by Attorney Christine A. Freeman (ekl) (Entered: 02/27/2004)
02/25/2004	26	MOTION by Frank James Edwards to Extend Time to file PRetrial Motions [26-1] referred to Mag Judge Vanzetta P. McPherson (ekl) (Entered: 02/27/2004)
02/25/2004	27	UNOPPOSED MOTION by Frank James Edwards of Continuance in Interests of Justice [27-1] referred to Mag Judge Vanzetta P. McPherson (ekl) (Entered: 02/27/2004)
02/25/2004	28	WAIVER of Speedy Trial by Frank James Edwards (ekl) (Entered: 02/27/2004)
02/26/2004		Pre-trial conference as to Frank James Edwards held before Mag Judge Vanzetta P. McPherson on 2/26/04 (FTR: 10:40-10:47) (dmk) (Entered: 02/26/2004)
02/26/2004	23	Courtroom Deputy's Minutes as to Frank James Edwards : Pretrial conference held before Mag. Judge McPherson (FTR: 10:40-10:47) (dmk) (Entered: 02/26/2004)
02/26/2004	24	ORDER as to Frank James Edwards set Motion Filing deadline to for 3/10/04 for Frank James Edwards and gov's response to 3/17/04 , set Pretrial Conference for for 10:00 4/2/04 for Frank James Edwards at Courtroom 5A before Mag Judge Vanzetta P. McPherson in Courtroom 5A , (Signed by Mag Judge Vanzetta P. McPherson) , Copies furnished to: USA,USM,USPTS,USPO,FD,YG,HC,DK (ekl) (Entered: 02/27/2004)
02/27/2004	29	EX PARTE APPLICATION IFP by Frank James Edwards for subpoena duces tecum , and to Seal [29-1] referred to Mag Judge Vanzetta P. McPherson, [29-2] referred to Mag Judge Vanzetta P. McPherson (ekl) (Entered: 03/01/2004)
03/01/2004	30	ORDER as to Frank James Edwards granting [27-1] motion of Continuance in Interests of Justice Time Excluded from 3/1/04 to 4/26/04 as to Frank James Edwards (1) reset Jury Trial on 10:00 4/26/04 for Frank James Edwards before Unassigned Judge in U.S. Courthouse , set Pretrial

		Conference for 10:00 4/2/04 for Frank James Edwards at Courtroom 5A before Mag Judge Vanzetta P. McPherson (Signed by Mag Judge Vanzetta P. McPherson) Copies mailed to: deft, Copies furnished to: USA,USM,USPTS,USPO,FD,WR,YG,DK,HC (ekl) (Entered: 03/01/2004)
03/01/2004	<u>31</u>	ORDER as to Frank James Edwards granting [29-1] motion for subpoena duces tecum as to Frank James Edwards (1), granting [29-2] motion to Seal as to Frank James Edwards (1) (Signed by Mag Judge Vanzetta P. McPherson) , Copies furnished to: USM,FD (w/subpoenas). MOTION/ORDER SEALED. (ekl) (Entered: 03/02/2004)
03/03/2004	<u>32</u>	ORDER amending 2/26/04 order to reflect that this case is continued GENERALLY as to Frank James Edwards (Signed by Mag Judge Vanzetta P. McPherson) Copies mailed to: deft., Copies furnished to: USA,USM,USPTS,USPO,FD,DK,WR,YG (ekl) (Entered: 03/04/2004)
03/03/2004	<u>33</u>	ORDER amending order entered 2/26/04 setting pretrial conference to reflect that pretrial motions shall be filed two days before pretrial conference (3/31/04) as to Frank James Edwards reset Motion Filing deadline to for 3/31/04 for Frank James Edwards (Signed by Mag Judge Vanzetta P. McPherson) Copies mailed to: deft., Copies furnished to: USA,USM,USPTS,USPO,FD (ekl) (Entered: 03/04/2004)
03/03/2004		**Terminated document(s) as to Frank James Edwards : terminating [26-1] motion to Extend Time to file Pretrial Motions as to Frank James Edwards (1) (ekl) (Entered: 03/31/2004)
03/05/2004		**Terminated deadlines as to Frank James Edwards (ekl) (Entered: 03/05/2004)
04/02/2004		Pre-trial conference as to Frank James Edwards held before Mag Judge Vanzetta P. McPherson on 4/2/04 [FTR: 10:41 - 10:50 am] (sql) (Entered: 04/02/2004)
04/02/2004	<u>35</u>	Courtroom Deputy's Minutes as to Frank James Edwards of pre-trial conference.: (sql) (Entered: 04/02/2004)
04/14/2004	<u>38</u>	ORDER as to Frank James Edwards re [34] Motion for Extension of Time to File Pretrial Motions filed by Frank James Edwards, Motion is GRANTED in part and DENIED in part as to Frank James Edwards : [34] Motion for Extension of Time to File Pretrial Motions filed by Frank James Edwards. Pretrial Motions due by 4/16/2004. Pretrial Conference set for 5/10/2004 10:00 AM in Courtroom 5A before Honorable Vanzetta P. McPherson, and Sealing any pretrial motions, if any, as further set out.. Signed by Judge Vanzetta P. McPherson on 4/14/04. (kcg,) (Entered: 04/15/2004)
04/15/2004		Judge update in case as to Frank James Edwards. Judge Mark E. Fuller and Vanzetta P. McPherson added. Judge Unassigned Judge no longer assigned to case. (kcg,) (Entered: 04/15/2004)

04/15/2004	③ <u>37</u>	Pretrial Conference Order as to Frank James Edwards Jury Trial set for 6/2/2004 before Honorable Mark E. Fuller. Jury Selection set for 6/2/2004 before Honorable Mark E. Fuller. By separate order, this court has extended the deadline for pretrial motions to April 16, 2004. Voir Dire due by 5/26/2004 Proposed Jury Instructions due by 5/26/2004 Motions in Limine due by 5/26/2004 Plea Agreement due by 5/24/2004.. Signed by Judge Vanzetta P. McPherson on 4/14/04. (kcg,) (Entered: 04/15/2004)
04/15/2004	③	Set Hearings as to Frank James Edwards : Pretrial Conference set for 5/10/2004 10:00 AM in Courtroom 5A before Honorable Vanzetta P. McPherson. (kcg,) (Entered: 04/15/2004)
04/15/2004	③	TRANSCRIPT of Pretrial Conference Proceedings as to Frank James Edwards held on 4/2/04 before Judge Vanzetta Penn McPherson. Court Reporter: Risa Entrekin. (kcg,) (Entered: 04/20/2004)
05/10/2004	③ <u>42</u>	Minute Entry for proceedings held before Judge Vanzetta P. McPherson :Pretrial Conference as to Frank James Edwards held on 5/10/2004 (Tape #FTR: 10:31 - 10:34 am.) (sql,) (Entered: 05/10/2004)
05/12/2004	③ <u>43</u>	ORDER of Reference as to Frank James Edwards that this case be referred to a United States Magistrate Judge to conduct all of the proceedings required by Rule 11 of the Federal Rules of Criminal Procedure incident to a guilty plea and to make a recommendation concerning acceptance of the guilty plea. Signed by Judge Mark E. Fuller on 5/12/04. (kcg,) (Entered: 05/12/2004)
05/13/2004	③ <u>44</u>	NOTICE of Intent to Change Plea by Frank James Edwards (Freeman, Christine) (Entered: 05/13/2004)
05/14/2004	③ <u>45</u>	ORDER as to Frank James Edwards that a second pretrial conference was held on May 10, 2004 before the undersigned Magistrate Judge. Present at this conference were LESLIE SMITH, ESQ., counsel for the defendant, and Assistant United States Attorney TOMMIE HARDWICK, counsel for the government. As a result of the conference, it is hereby ORDERED that this case be set for a Change of Plea Hearing for 5/24/2004 10:00 AM in Courtroom 5A before Honorable Vanzetta P. McPherson. Signed by Judge Vanzetta P. McPherson on 5/14/04. (kcg,) (Entered: 05/14/2004)
05/24/2004	③ <u>46</u>	Consent to Enter Guilty Plea before U. S. Magistrate Judge as to Frank James Edwards (sql,) (Entered: 05/25/2004)
05/24/2004	③ <u>47</u>	PLEA AGREEMENT as to Frank James Edwards (sql,) (Entered: 05/25/2004)
05/24/2004	③ <u>48</u>	Minute Entry for proceedings held before Judge Vanzetta P. McPherson :Change of Plea Hearing as to Frank James Edwards held on 5/24/2004, Plea entered by Frank James Edwards (1) Guilty Count 1,2,4,5. (Court Reporter Sherry Mack w/Dunn-King.) (sql,) (Entered: 05/25/2004)
05/27/2004	③ <u>49</u>	REPORT AND RECOMMENDATIONS CONCERNING PLEA OF GUILTY as to Frank James Edwards Objections to R&R due by 6/9/2004.

		Signed by Judge Vanzetta P. McPherson on 5/27/04. (kcg,) (Entered: 05/27/2004)
06/02/2004	•50	Preliminary MOTION for Forfeiture of Property by United States of America as to Frank James Edwards. (Harmon, John) (Entered: 06/02/2004)
06/03/2004	•51	PRELIMINARY ORDER OF FORFEITURE WHEREAS, in the Indictment and Bill of Particulars for Forfeiture of Property in the above case, the United States sought forfeiture of specific property, IT IS HEREBY ORDERED THAT: As a result of the guilty plea on Count 5 of the Indictment, for which the Government sought forfeiture pursuant to Title 18 United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), the Defendant shall forfeit to the United States: all firearms and ammunition involved in the commission the violation of Title 18, United States Code, Section 924(c)(1), as further set out. Signed by Judge Mark E. Fuller on 6/3/04. (kcg,) (Entered: 06/03/2004)
06/14/2004	•52	ORDER Accepting Guilty Plea and Adjudication of Guilt as to Frank James Edwards . Signed by Judge Mark E. Fuller on 6/14/04. (kcg,) (Entered: 06/14/2004)
06/14/2004	•53	ORDER as to Frank James Edwards Sentencing set for 8/16/2004 09:00 AM in Courtroom 2A before Hon. Chief Judge Mark E. Fuller. That on or before August 5, 2004, counsel for the defendant and the Government shall communicate in writing to the probation officer, and to each other, any objections they have as to any material information, etc. That, unless excused in writing by the Chief U.S. Probation Officer of this district, counsel for the parties shall be available for a conference with the probation officer on August 5, 2004, at 10:00 a.m., to discuss and resolve, if possible, factual and legal issues contained in the presentence report, as further set out. Signed by Judge Mark E. Fuller on 6/14/04. (kcg,) (Entered: 06/14/2004)
06/14/2004		***Motions terminated as to Frank James Edwards : <u>49</u> REPORT AND RECOMMENDATIONS as to Frank James Edwards. (kcg,) (Entered: 08/31/2004)
06/25/2004	•54	ORDER as to Frank James Edwards Sentencing is continued from 8/16/04 to 8/30/2004 09:00 AM in Courtroom 2A before Hon. Chief Judge Mark E. Fuller.. Signed by Judge Mark E. Fuller on 6/25/04. (kcg,) (Entered: 06/25/2004)
08/10/2004	•55	Process Receipt and Return as to Frank James Edwards on 8/5/04. (kcg,) (Entered: 08/10/2004)
08/16/2004	•56	ORDER as to Frank James Edwards directing that on or before August 23, 2004, the defendant shall file in writing any objection to the PSR that is predicated on Blakely and will be raised at sentencing, as outlined in order. The defendant is advised that failure to file a written objection by the date specified will be viewed by the court as an indication that the

		defendant has no unresolved Blakely objection that will require a ruling from the court at sentencing. Signed Chief Judge Mark E. Fuller. (snc) (Entered: 08/16/2004)
08/19/2004	❸ <u>57</u>	MOTION for Downward Departure <i>Pursuant to U.S.S.G. 5K1.1 and 18 U.S.C. 3553(e)</i> by United States of America as to Frank James Edwards. (Hardwick, Tommie) (Entered: 08/19/2004)
08/24/2004	❸ <u>58</u>	SENTENCING MEMORANDUM by Frank James Edwards (Smith, Leslie) (Entered: 08/24/2004)
08/25/2004	❸ <u>59</u>	SENTENCING MEMORANDUM by Frank James Edwards (Smith, Leslie) (Entered: 08/25/2004)
08/26/2004	❸ <u>60</u>	ORDER as to Frank James Edwards Sentencing is reset from 8/30/2004 to 8/31/2004 09:00 AM in Courtroom 2A before Hon. Chief Judge Mark E. Fuller. Signed by Judge Mark E. Fuller on 8/26/04. (kcg,) (Entered: 08/26/2004)
08/27/2004	❸ <u>61</u>	MOTION for Reduction in Criminal Offense Level for Acceptance of Responsibility by United States of America as to Frank James Edwards. (Hardwick, Tommie) (Entered: 08/27/2004)
08/27/2004	❸ <u>62</u>	Final MOTION for Forfeiture of Property by United States of America as to Frank James Edwards. (Harmon, John) (Entered: 08/27/2004)
08/31/2004	❸ <u>63</u>	FINAL ORDER OF FORFEITURE OF PROPERTY as to Frank James Edwards regarding One.38 Ruger Revolver, Serial Number 570-49464, as further set out in order . Signed by Judge Mark E. Fuller on 8/31/04. (kcg,) (Entered: 08/31/2004)
08/31/2004	❸	ORAL ORDER granting <u>57</u> Motion for Downward Departure as to Frank James Edwards (1); granting [] Motion for Reduction in Criminal Offense Level for Acceptance of Responsibility as to Frank James Edwards (1). Signed by Judge Mark E. Fuller on 8/31/04. (kcg,) (Entered: 09/13/2004)
08/31/2004	❸	ORAL MOTION to Dismiss Counts 3 and 6 of the Indictment by United States of America as to Frank James Edwards. (kcg,) (Entered: 09/13/2004)
08/31/2004	❸	ORAL ORDER granting [] Motion to Dismiss Counts 3 and 6 of the Indictment as to Frank James Edwards (1). Signed by Judge Mark E. Fuller on 8/31/04. (kcg,) (Entered: 09/13/2004)
08/31/2004		***Motions terminated as to Frank James Edwards : <u>62</u> Final MOTION for Forfeiture of Property filed by United States of America, <u>50</u> Preliminary MOTION for Forfeiture of Property filed by United States of America. (kcg,) (Entered: 09/13/2004)
08/31/2004	❸ <u>65</u>	Minute Entry for proceedings held before Judge Mark E. Fuller :Sentencing held on 8/31/2004 for Frank James Edwards (1), 1, 2, 3, 4, 5, 6, Defendant plead guilty to Counts 1,2,4 & 5 of the Indictment and Counts 3 and 6 were Dismissed per Oral Motion of the United States..

		(Court Reporter Jimmy Dickens.) (kcg,) (Entered: 09/13/2004)
09/03/2004	⑥4	FINAL ORDER OF FORFEITURE as to Frank James Edwards regarding One.38 Ruger Revolver, Serial Number 570-49464, as further set out. . Signed by Judge Mark E. Fuller on 9/3/04. (kcg,) (Entered: 09/03/2004)
09/14/2004	⑥66	JUDGMENT as to Frank James Edwards (1), Defendant plead guilty to Counts 1,2,4 & 5 of the Indictment and Counts 3 and 6 were Dismissed per Oral Motion of the United States.; Count(s) 1, 57 MOS IMP TO BE SERVED CONC. WITH CT. 4; 5 YS SUP REL TO BE SERVED CONC. TO CTS. 2,4 & 5; \$400 SA; \$19,758.57 RESTIT.; Count(s) 2, 84 MOS TO BE SERVED CONSEC TO EACH OTHER & CTS. 1 & 4; 5 YS SUP REL TO BE SERVED CONC. TO CTS. 1,4 & 5; \$400 SA; \$19,758.57 RESTIT.; Count(s) 3, 6, DISMISSED BY MOTION OF THE UNITED STATES; Count(s) 4, 57 MOS IMP TO BE SERVED CONC. WITH CT. 1; 5 YS SUP REL TO BE SERVED CONC. TO CTS. 1, 2 & 5; \$400 SA; \$19,758.57 RESTIT.; Count(s) 5, 135 MOS IMP TO BE SERVED CONSEC. TO EACH OTHER & CTS. 1&4; 5 YS SUP REL TO BE SERVED CONC. TO CTS. 1,2 & 4; \$400 SA; \$19,758.57 RESTIT.. Signed by Judge Mark E. Fuller on 9/14/04. (kcg,) (Entered: 09/14/2004)
09/14/2004		***Case Terminated as to Frank James Edwards (kcg,) (Entered: 09/14/2004)
11/12/2004	⑥7	Judgment Returned Executed as to Frank James Edwards on 11/2/04. (kcg,) (Entered: 11/12/2004)
11/19/2004	⑥8	Process Receipt and Return as to Frank James Edwards regarding Preliminary Order of Forfeiture on 11/19/04. (kcg,) (Entered: 11/29/2004)
11/19/2004	⑥9	Process Receipt and Return as to Frank James Edwards of Final Order of Forfeiture on 11/19/04. (kcg,) (Entered: 11/29/2004)
01/09/2006		Payment Received from BOP: as to Frank James Edwards \$ 25.00 assessment, receipt number 108933 (ws,) (Entered: 01/10/2006)
04/11/2006		Payment Received from BOP: as to Frank James Edwards \$ 26.74 assessment, receipt number 109885 (ws,) (Entered: 04/12/2006)
05/01/2006		Payment Received: as to Frank James Edwards \$ 56.81 assessment, receipt number 14418340 (ws,) (Entered: 05/02/2006)
06/01/2006		Payment Received: as to Frank James Edwards \$ 27.83 assessment, receipt number 14418831 (ws,) (Entered: 06/07/2006)

UNITED STATES DISTRICT COURT

MIDDLE

District of ALABAMA

UNITED STATES OF AMERICA
v.
FRANK JAMES EDWARDS

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:04CR8-001-F

USM Number: 11351-002

Leslie S. Smith

Defendant's Attorney

THE DEFENDANT:

 pleaded guilty to count(s) 1,2,4 and 5 of the Indictment on May 24, 2004 pleaded nolo contendere to count(s) _____ which was accepted by the court. was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. 2113(a) and (d)	Armed Bank Robbery	1/12/2004	1
18 U.S.C. 924(c)(1)(A)	Use of a Firearm During or in Relation to a Crime of Violence	1/12/2004	2
18 U.S.C. 2113(a) and (d)	Armed Bank Robbery	1/14/2004	4
18 U.S.C. 924(c)(1)(A)	Use of a Firearm During or in Relation to a Crime of Violence	1/14/2004	5

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

 The defendant has been found not guilty on count(s) _____X Count(s) 3 and 6 is X are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

August 31, 2004
Date of Imposition of Judgment

Signature of Judge

MARK E. FULLER, CHIEF UNITED STATES DISTRICT JUDGE
Name and Title of Judge14 September 2004
Date

SCANNED

DEFENDANT: FRANK JAMES EDWARDS
CASE NUMBER: 2:04CR8-001Judgment — Page 2 of 6**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

276 Months. This term consists of 57 months on counts 1 and 4 to be served concurrently with each other, 84 months on count 2, and 135 months on count 5, to be served consecutively to each other and counts 1 and 4.

The court makes the following recommendations to the Bureau of Prisons:

The court recommends that the defendant be designated to a facility where Intensive Residential Substance Abuse Treatment is available.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____
 as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: FRANK JAMES EDWARDS
CASE NUMBER: 2:04CR8-001**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

5 Years. This term consists of 5 years on counts 1,2,4 and 5, all to be served concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)

The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)

The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: FRANK JAMES EDWARDS
CASE NUMBER: 2:04CR8-001

Judgment—Page 4 of 6

SPECIAL CONDITIONS OF SUPERVISION

Defendant shall participate in drug testing and/or treatment if directed by the probation officer. Defendant shall contribute to the cost of any treatment based on ability to pay and availability of third party payments.

Defendant shall submit to a search of his person, residence, office or vehicle pursuant to the search policy of this court.

DEFENDANT: FRANK JAMES EDWARDS
CASE NUMBER: 2:04CR8-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 400.00	\$ 0	\$ 19,758.57

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case*(AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Regions Bank	\$3,063.00	\$3,063.00	
South Trust Bank	\$11,118.00	\$11,118.00	
Compass Bank	\$5,577.57	\$5,577.57	
TOTALS	\$ 19,758.57	\$ 19,758.57	

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

X The court determined that the defendant does not have the ability to pay interest and it is ordered that:

X the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **FRANK JAMES EDWARDS**
CASE NUMBER: **2:04CR8-001**

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A Lump sum payment of \$ 20,158.57 due immediately, balance due
 not later than _____, or
 in accordance C, D, E, or F below; or

B Payment to begin immediately (may be combined with C, D, or F below); or

C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or

D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F Special instructions regarding the payment of criminal monetary penalties:

Criminal monetary payments shall be made payable to the Clerk, U.S. District Court, P.O. Box 711, Montgomery, AL 36101.
Any balance remaining at the start of supervision shall be paid at the rate of \$280.00 per month.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

One .38 Ruger Revolver, Serial Number 570-49464

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.